

URBAN
MUNICIPAL

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1998

AGENDAS/MINUTES
MEETINGS OF THE COUNCIL
OF THE CORP. OF THE CITY
OF HAMILTON
SEPT. 29, 1998 ...

URBAN/MUNICIPAL

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1998



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1998 September 24

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

Tuesday, 1998 September 29

7:30 o'clock p.m.

Albion Rooms B & C

Hamilton Convention Centre

URBAN MUNICIPAL

SEP 28 1998

GOVERNMENT DOCUMENTS

**S. G. Hollowell
Acting City Clerk**

AGENDA

1. **Opening Prayer** Father David Wynen, Cathedral Christ the King

2. **Presentations**

Painting presentation from Vincent Gagliardo to the City of Hamilton

3. **Certificates of Recognition:**

(a) **Constable Mike Joy**

(b) **The Hamilton Transway Club - 1998 Sears Ontario Provincial Basketball Championships**

Atom

Sarah Back

Katie Kiely

Rebecca Spleit

Devyn Cuncic

Elena Kybartas

Laura Stringer

Natalie Djurcjevic

Emily O'Brien

Caitlin Venner

Aleesha Harris

Melajna Selenger

Erin Huddleston

Coaches

Lorne Venner

Jason Fletcher



Minor Bantam

Samantha Wood	Gillian Valvasori	Taylor Smith	Lauren Valvasori
Ashely Amodeo	Tamika Nurse	Raquel Rakovac	Amanda D'Ortenzio
Alaine Hutton	Marie Warner	Amanda Tofano	Lindsay Anderson

<u>Coaches</u>	Richard Nurse	Cathy Nurse	Amos D'Ortenzio
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Bantam Team

Jessie Tomasin	Angela Valvasori	Erin Belot	Rachel Hart
Heather Angus	Jessie Lamparski	Jessica Selenger	Vanessa Casuccio
Justine Panavas	Marine Rusich	Carolyn Crnac	Julia Critchley
Cari te Boekhorst			

<u>Coach</u>	Larry Angus
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Midget Team

Rebecca McColl	Julie Lamparski	Alana Juzenas	Shona Thorburn
Sarah Zagorski	Ashleigh Cuncie	Kristina Murphy	Caitlin Miziolek
Krysten Adams	Kim Salem	Lindsay Sones	

<u>Coaches</u>	Kelly Dunham	Lisa Ciancone
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(c) The Ontario Volleyball Championships held in London, Ontario

Juvenile Seekers

Beth Lawlor	Holly Strauss	Jennifer Davis	Kristina Markovic
Maria DiLivio	Sanja Malic	Lisa Cosentino	Agnes Jankowski
Sarah Vinall	Katherine Dymkowski		

Canadian Midget Champions

Midget Seekers

Sarah Vinall	Melissa Whaley	Kelly Doumas	Lauren Cosentino
Lori Maloney	Lisa Spencer	Nicole Trombetta	Stephanie Car

<u>Coaches</u>	Mike Campanella	Stu McCarthy	Rob Luciani
	George Vinall	Jerry Crapsi	Andy Burns
	Dennis Collins	Frank Lilliman	

4. Adoption of the minutes of the meetings held:

- (a) 1998 June 30 (regular meeting)**
- (b) 1998 July 7 (regular meeting)**
- (c) 1998 July 9 (special meeting)**
- (d) 1998 July 30 (special meeting)**
- (e) 1998 August 5 (special meeting)**
- (f) 1998 August 12 (special meeting)**
- (g) 1998 September 8 (regular meeting)**
- (h) 1998 September 16 (special meeting)**

5. Correspondence.

6. Reports of the Standing Committee:

- (a) Transport and Environment Committee**
- (b) Parks and Recreation Committee**
- (c) Planning and Development Committee**
- (d) Finance and Administration Committee**

7. Notices of Motion for next meeting.

8. Appointment of an Acting Mayor for the month of October 1998.

9. Question Period.

10. Adjournment.

CORRESPONDENCE

Correspondence:

1. Letter dated 1998 September 17 from the Ainslie Wood/Westdale Community Association respecting concerns in their neighbourhood.

Recommendation: Be Referred to the Transport and Environment Committee and the Planning and Development Committee.

2. Application dated 1998 September 2 from Alfredo and Emidio Massi, 126 Alderson Drive, Hamilton, Ontario for a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District (Block "1"), "R-4" (Small Lot Single Family Dwelling) District (Block "2") and "C" (Urban Protected Residential, etc.) District (Block 3") for lands located south of Stone Church Road West and west of West 5th Street, known municipally as 99 Stone Church Road West, and a draft approval of a plan of subdivision for 18 lots for small lot single family dwellings, 11 lots for single family dwellings, 1 block for townhouse dwellings, 2 blocks to be developed with the abutting lands, 1 block for road widening purposes and to establish 2 streets for lands located south of Stone Church Road West and west of West 5th Street, known municipally as 99 Stone Church Road West, Hamilton, Ontario .

Recommendation: Be Received.

3. Application dated 1998 September 22 from Sunoco Inc., c/o Don Woods, 11 Heathcliffe Square, Brampton, Ontario for a change in zoning from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial, etc.) District for lands located at 615 Mohawk Road West, Hamilton, Ontario.

Recommendation: Be Received.

4. Application dated 1998 September 22 from Silvestri Investments, 120 King Street W., Hamilton, Ontario for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for lands located at the rear of 381-385 Stone Church Road East, Hamilton, Ontario.

Recommendation: Be Received.

5. Application dated 1998 September 23 from Francesco Agostino, 52 St. Matthews Avenue, Hamilton, Ontario for a change in zoning from "G-3" (Public Parking Lots) District to "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District modified for 11 Cheever Street, Hamilton.

Recommendation: Be Received.

AINSLIE WOOD/WESTDALE COMMUNITY ASSOCIATION

1063 King Street West, Suite 221
Hamilton, ON L8S 1L8

1.

September 17, 1998

Mr. Joseph Schatz
City Clerk
c/o City Hall
71 Main Street West
Hamilton, ON L8P 4Y5

Dear Mr. Schatz:


We are writing to you on behalf of the Ainslie Wood/Westdale Community Association (AWWCA). This new community association represents a large number of resident owners in the Ainslie Wood and Westdale area who are seriously concerned about the condition of their neighbourhoods. The members of the AWWCA are united in their determination to bring about positive changes in a variety of areas related to the physical condition and atmosphere of their neighbourhoods.


Monster homes and rental properties have significantly increased the population in our neighbourhoods. Absentee landlords are becoming the norm. Property standards have declined. Noise, traffic, parking and alcohol-related incidents are on the rise. As a result, our quality of life and enjoyment of property have disintegrated. However, something can be done. It is called enforcement.

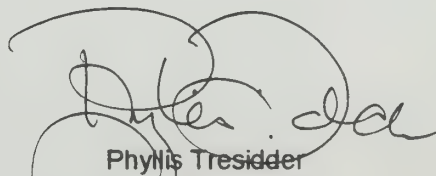
With increasing frequency, we place calls to noise and traffic control, property standards, building standards and the Regional Police to report infractions and safety issues. Rarely is a proper investigation conducted or a law enforced as a result of our complaints. As taxpayers and voters we insist on effective use of our tax dollars. That is to say, we want zero tolerance and 100 % enforcement of applicable Federal Statutes, Provincial Statutes and Regional and Municipal By-laws. We anticipate prompt enforcement via charges and thorough reporting and follow-up.

We would appreciate hearing from you regarding how you plan to improve enforcement in our community. We look forward to working with you in the near future as we strive to make our neighbourhoods better places to live.

Sincerely yours,


Joy James
President


Linda Grigg
Vice-President


Phyllis Tresidder
Vice-President

MINUTES

Minutes of Hamilton City Council
Tuesday, 1998 June 30
7:30 o'clock p.m.
Council Chamber, City Hall

The Council met:

Present: Mayor Morrow.
Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Copps,
Collins, Eisenberger, Jackson, Charters, Anderson, Kelly, D'Amico,
O'Sullivan.

Mayor R. M. Morrow called the meeting to order.

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The National Anthem was played.

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Father Dimitrios Tzaneters, Panagia Greek Orthodox Church, led Council in prayer.

<p>PRESENTATIONS</p>

Mayor R. M. Morrow and David Christopherson, M.P.P., presented the Municipal Sr. of the Year Award to Gwen Lee.

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Mayor R. M. Morrow presented Michael Temperley and Jim Skaratt with Certificates of Recognition.

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Mayor R. M. Morrow presented Dave Sherlock, General Manager of RaiLink Southern Ontario with a Certificate of Recognition.

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Mayor R. M. Morrow presented Trudy Parsons, Director - Keyin Technical College with a Certificate of Recognition.

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Mayor R. M. Morrow presented Domenic Persechini, Owner - Harbour Tower Apartments with a Certificate of Recognition.

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Mayor R. M. Morrow presented a Civic Award to Larry Eccleston, Sun Life Masters' Tennis Champion.

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Mayor R. M. Morrow presented Civic Awards to the following members of the Hamilton Seekers Volleyball Team for winning the National Midget Championship.

Team Members:

Sarah Vinall	Melissa Whaley	Bethany Petkoff	Candice Junior
Kelly Doumas	Lauren Cosentino	Lori Maloney	Lisa Spencer
Nicole Trombetta	Stephanie Car	Kendra Knoflook	Mieka Jackson

Coaches:

Mike Campanella	Stu McCarthy	Rob Luciani
George Vinall	Jerry Crapsi	Andy Burns
Dennis Collins	Frank Lilliman	

* * * * *

Mayor R. M. Morrow presented Civic Awards to the following members of the Hamilton Team of the International Childrens' Games who recently competed in Spain.

Athletes:

Sarah Black	Rachael Hosford-Elliott	Stephanie Smith
Kahla Walkinshaw	Steven Caswell	Brian Chandler
Scott Dickens	Colin Jenkins	Danielle Brandino
Sarah Armstrong	Jessie Gillie	Karen Plantinga
Trumaine McLean	Jonathan Lemmond	Steven Coons
Kevin Peace		

Coaches:

Grey Fairley

Bill Urie

Executives:

Ed Dunn

John Kiriakopoulos

Phil Saresky

Joanne McBride

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Mayor R. M. Morrow presented Charlotte Fournier with a Certificate of Recognition.

ADOPTION OF MINUTES

The minutes of the meetings held: 1998 May 21 (two sessions); 1998 May 26 (regular); 1998 May 29 (special meeting) and 1998 June 11 (special meeting) and June 16 (special meeting) were adopted as circulated.

CORRESPONDENCE

1. Letter dated 1998 May 26 from R. Scott Smith, Secretary to the Board, Hamilton Harbour Commissioners, respecting the Financial Statements of the Hamilton Harbour Commissioners for the year ended December 31, 1997.

Referred to Finance and Administration Committee.

2. Letter dated 1998 June 16 from Greg Ballentine, AVGroup Consulting Services Limited, respecting Draft Airport Master Plan for Hamilton International Airport.

Referred to Planning and Development Committee.

3. Information Report dated 1998 June 5 from S. G. Hollowell, Acting City Clerk, respecting Appeals to By-law Number 98-091 Respecting Property at 135 Fennell Avenue West.

Received.

4. Application dated 1998 May 26 from Hampshire Properties Limited, c/o The Effort Trust Company, 242 Main Street East, Hamilton, Ontario, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family Detached) District for Block "1" and for a change in zoning from "C" (Urban Protected Residential District to "R-4" (Small Lot Single Family Dwellings) District modified for lands located north of Stone Church Road East and south of Chipman Avenue, Hamilton, Ontario.

Received.

5. Application dated 1998 June 2 from Cantrico Investments Limited, 185 Nugent Drive, Hamilton, Ontario, for a further modification to the existing "H" (Community Shopping and Commercial, etc.) District for 1394 Upper Gage Avenue, Hamilton, Ontario.

Received.

6. Application dated 1998 June 5 from 723 Rymal Inc., 28 Corinthian Drive, Hamilton, Ontario, for an Official Plan Amendment to establish a Special Policy Area and for a change in zoning from "AA" (Agricultural) District to "DE-3" (Multiple Dwellings) District to permit 24 bungalow townhouse units and a community and residential care access centre containing 26 units for residential care, 26 units for interval care (short term care) and medical and associated commercial offices for lands located at 723 Rymal Road West, Hamilton, Ontario.

Received.

7. Facsimile dated 1998 June 29 from Ian Jennings, District Manager, Canadian Waste Services Inc., respecting property located at 245 Lottridge Street.

Received.

8. Letter dated 1998 June 30 from Stella Glover, Secretary, Mayor's Committee Against Racism and Discrimination, respecting Hamilton Status of Women Sub-Committee.

Received.

9. Photocopy of newspaper article, dated 1998 June 19, submitted by Mr. Neil Wickham respecting DisneyQuest high tech amusement arcades.

Received.

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It was moved by Alderman Kiss and seconded by Alderman Caplan that the Reports of the Committee of the Whole, the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, the Hamilton-Scourge Steering Committee, and the Nominating Committee, be now considered in Committee of the Whole with Alderman Kelly in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, Kelly, D'Amico, O'Sullivan. -17.

NAYS: -0.

CARRIED.

TRANSPORT AND ENVIRONMENT COMMITTEE - EIGHTH REPORT

PARKS AND RECREATION COMMITTEE - SEVENTH REPORT

PARKS AND RECREATION COMMITTEE - EIGHTH REPORT

PLANNING & DEVELOPMENT COMMITTEE - THIRTEENTH REPORT

Section 6 Re: Zoning Application - 260 Melvin Avenue

Recorded Vote:

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Copps, Eisenberger, Collins, Charters, Jackson, Anderson, Kelly, D'Amico, O'Sullivan. -16.

NAYS: Alderman Wilson. -1.

CARRIED.

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Section 8 Re: Official Plan Amendment - Rental Housing Stock

Recorded Vote:

YEAS: Aldermen Caplan, Corsini, Eisenberger, Charters, and D'Amico. -5.

NAYS: Alderman Kiss, Horwath, Morelli, Haining, Copps, Wilson, Collins, Jackson, Anderson, Kelly, and O'Sullivan. -11. **LOST.**

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Section 30 Re: Official Plan Amendment - Rental Housing Stock, Bill C-88

It was moved by Alderman Horwath and seconded by Alderman Kiss that Section 30, Subsection (j) regarding Bill-C-88 being a By-law to adopt Official Plan Amendment No. 151 Respecting Protection of the Rental Housing Stock within the City of Hamilton be deleted. **CARRIED.**

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Rule No. 9 Re: Zoning Change - 400 York Boulevard and 16 Magill Street

It was moved by Alderman D'Amico and seconded by Alderman O'Sullivan that Rule No. 9 of the City's Procedural By-law 95-167 be invoked for this meeting of City Council in order to permit consideration of a resolution respecting the removal of the Holding provision for property located at 400 York Boulevard and 16 Magill Street.

CARRIED.

Section 31 Re: Zoning Change - 400 York Boulevard and 16 Magill Street

It was moved by Alderman D'Amico and seconded by Alderman O'Sullivan that the Thirteenth Report of the Planning and Development Committee for 1998 be amended by adding Section 31 as follows:

31. (a) That approval be given to the removal of the 'H' - Holding provision under Section 36 of the Planning Act, to permit the use of the lands for residential development and a parking lot, for properties located at Nos. 400 York Boulevard and 16 Magill Street (ZAC 98-05), as shown on the attached map marked as APPENDIX "U".

- (b) That the Director of Planning be directed to prepare a By-law to amend Zoning By-law No. 6593, as amended by By-law No. 98-148, and Zoning District Map W-11, in a form satisfactory to the City Solicitor, for presentation to City Council.
- (c) That the Commissioner of Building be authorized to issue the appropriate building permits upon the registration of Inhibiting Orders on title to the 16 Magill Street and 400 York Boulevard lands.

CARRIED.

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Section 32 Re: By-laws to Amend Zoning - 400 York Boulevard and 16 Magill Street

It was moved by Alderman D'Amico and seconded by Alderman O'Sullivan that the Thirteenth Report of the Planning and Development Committee for 1998 be amended by adding Section 32, Subsection (a) and (b) as follows:

- 32. (a) C-90 A By-law to Amend Zoning By-law No. 6593 As Amended by Zoning By-law No. 98-148 Respecting Lands located at Nos. 400 York Boulevard and 16 Magill Street.
- (b) C-91 A By-law to Amend Zoning By-law No. 6593 Respecting Land located at 237-247 Centennial Parkway North. **CARRIED.**

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Section 33 Re: Official Plan Amendment - Rental Housing Stock

It was moved by Alderman Horwath and seconded by Alderman Kelly that the following be added as Section 33 of the Thirteenth Report of the Planning and Development Committee for 1998.

- 33. That approval be given to the proposed Official Plan Amendment to establish policies and to introduce a new Schedule for the protection of the rental housing stock, on the following basis:
 - (a) That a new Schedule "K" - Local Market Housing Zones be added to the Official Plan;
 - (b) That the following new policies be added to Subsection C.7 - Residential Environment and Housing Policy as follows:

- "C.7.11 To protect the adequate provision of a full range of housing, conversion to condominium of rental apartment and/or townhouse units comprised of six or more units will be permitted provided all of the following criteria are met:
- i) the rental vacancy rate by dwelling/structure type for the City and the respective local housing market zone has been at or above 2.0% for the preceding twenty-four (24) months;
 - ii) the proposed conversion will not reduce the rental vacancy rate by dwelling/structure type to below 2.0% for the City and the respective local housing market zone;
 - iii) the existing market rent levels for the units proposed to be converted are not significantly below the average market rent levels for the City and the respective local housing market zone for rental units of a similar dwelling/structure type.
- C.7.12 Demolition of rental apartment and/or townhouse units comprised of six or more units will be permitted provided one of the following criteria is met:
- i) the building is determined to be structurally unsound through the submission of a structural audit, prepared by a qualified professional, and such audit is deemed acceptable by the City; or,
 - ii) the criteria as set out in Policy C.7.11.
- C.7.13
- i) For the purposes of policies C.7.11 and C.7.12, the statistical data used for vacancy rates, rent charges, dwelling/structure types will be determined by the Canada Mortgage and Housing Corporation (CMHC).
 - ii) Schedule "K" identifies the following local housing market zones for purposes of analyzing the Hamilton housing market:

- a) Downtown/Central Hamilton
 - b) Central East Hamilton
 - c) East Hamilton
 - d) West Hamilton
 - e) Hamilton Mountain"
- (c) That the Director of Planning and Development be directed to prepare a by-law, in a form satisfactory to the City Solicitor, for submission to the Regional Municipality of Hamilton-Wentworth for approval.
- (d) That the Council adopted policy in regard to condominium conversions and demolitions endorsed by Council on May 26, 1998 be rescinded; and,
- (e) That Planning and Development Department staff undertake a review of the Official Plan policies in regard to condominium conversions and demolitions within a two-year period.

It was subsequently moved by Alderman Caplan and seconded by Alderman Charters that the resolution of Alderman Horwath respecting "the proposed Official Plan Amendment to establish policies and to introduce a new schedule for the protection of the Rental Housing Stock", added as Section 33 of the Thirteenth Report of the Planning and Development Committee for 1998, be amended by deleting the words "two-year" in sub-section (e) and replacing them with the words "one-year" in lieu thereof.

Recorded Vote:

YEAS: Aldermen Caplan, Corsini, Eisenberger, Collins, Charters, Jackson, Anderson, D'Amico, O'Sullivan. -9.

NAYS: Aldermen Kiss, Horwath, Morelli, Haining, Copps, Wilson, and Kelly. -7.

CARRIED.

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Section 33 Re: Official Plan Amendment - Rental Housing Stock - As Amended

Recorded Vote:

YEAS: Aldermen Kiss, Horwath, Morelli, Haining, Copps, Wilson, Collins, Jackson, Anderson, Kelly, and O'Sullivan. -11.

NAYS: Aldermen Caplan, Corsini, Eisenberger, Charters, and D'Amico. -5.

CARRIED.

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FINANCE & ADMINISTRATION COMMITTEE - SEVENTEENTH REPORT
--

Section 6 Re: Charity Gaming Clubs

It was moved by Alderman Charters and seconded by Alderman Horwath that Section 6 of the Seventeenth Report of the Finance and Administration Committee be referred back.

CARRIED.

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Section 16 Re: Occupational Health Clinics for Ontario Works, Hamilton Clinic

It was moved by Alderman Wilson and seconded by Alderman O'Sullivan that Section 16 of the Seventeenth Report for 1998 of the Finance and Administration Committee be amended by adding the following immediately following the word "proposal" in the fifth line:

"This program includes data collection and analysis by the Occupational Health Clinics for Ontario Workers, Hamilton Clinic (OHCOW);"

CARRIED.

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Section 24 Re: Senior Property Officer/Appraiser positions

It was moved by Alderman Anderson and seconded by Alderman Corsini that Item 24 of the Seventeenth Report of the Finance and Administration Committee be referred to the Committee of the Whole.

CARRIED.

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Section 25 Re: Offer to Purchase 897 Barton Street

It was moved by Alderman Morelli and seconded by Alderman Haining that Section 25 of the Seventeenth Report of the Finance and Administration Committee be referred back.

CARRIED.

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RECONSIDERATION OF MOTION

Re: Status of Women - Term of Office

It was moved by Alderman Kiss and seconded by Alderman Copps that Section 5 of the Ninth Report of the Finance and Administration Committee for 1998, approved by City Council at its meeting of 1998 March 31, respecting the appointment of members of the Status of Women Sub-Committee for a one year term, be reconsidered.

Recorded Vote:

YEAS: Mayor Morrow, Aldermen Kiss, Corsini, Copps, Jackson, and D'Amico. -6.

NAYS: Aldermen Caplan, Morelli, Haining, Wilson, Collins, Charters, Anderson, Kelly, and O'Sullivan. -9. **LOST.**

HAMILTON-SCOURGE STEERING COMMITTEE - SECOND REPORT

NOMINATING COMMITTEE - SIXTH REPORT

COMMITTEE OF THE WHOLE - SEVENTEENTH REPORT

ACTING MAYOR FOR THE MONTH OF JULY, 1998

It was moved by Alderman Kiss and seconded by Alderman Corsini that Alderman G. Copps be appointed Acting Mayor for the month of July, 1998. **CARRIED.**

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, the Hamilton-Scourge Steering Committee, the Nominating Committee, and the Committee of the Whole, be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Copps, Wilson, Collins, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -15.

NAYS: -0.

CARRIED.

City Council then adjourned at 9:15 o'clock p.m.

Taken as read and approved.

MAYOR R. M. MORROW

J. J. Schatz
City Clerk
1998 June 30

Minutes of Hamilton City Council
Tuesday, 1998 July 7
9:30 o'clock a.m.
Council Chamber, City Hall

The Council met:

Present: Mayor Morrow.
Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Copps,
Collins, Eisenberger, Jackson, Charters, Anderson, Kelly, D'Amico,
O'Sullivan.

Mayor R. M. Morrow called the meeting to order.

CORRESPONDENCE

1. Letter dated 1998 June 23 from Isabella Brearley, Chair, Senior Citizens Council, respecting membership fees.

Referred to Parks and Recreation Committee.

2. Information Report dated 1998 July 3 from L. C. King, Building Commissioner, respecting demolition of 20 Ferrie Street West.

Received.

3. Application dated 1998 July 2 from Cornerstone Commercial Realty Corp., 11th floor, Commercial Union Tower, P. O. Box 153, Toronto Dominion Centre, Toronto, Ontario, for a modification to the established "E" (Multiple Dwellings) District (Block 1) and for a change in zoning from "E" (Multiple Dwellings) District to "C" (Urban Protected Residential, etc.) District (Block 2) - 334 East 14th Street, Hamilton, Ontario.

Received.

4. Application dated 1998 July 2 from Antonio Ramelli, 10 Derek Drive, Hamilton, Ontario, and Mukesh Patel, 72 Centennial Parkway, Stoney Creek, Ontario, for a change in zoning from "B-1" (Suburban Agricultural and Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified - 535 and 537 Queenston Road, Hamilton, Ontario.

Received.

5. Application dated 1998 July 2 from 900074 Ontario Inc., c/o Gordon Albini, Setay Investments, 78 Queenston Road, Hamilton, Ontario, - Removal of the 'H' Holding Provision - 1451 to 1471 Upper James Street, Hamilton, Ontario.

Received.

6. Application dated 1998 July 2 from 1125814 Ontario Ltd. (Silvestri Investments), 1000-120 King Street West, Hamilton, Ontario, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for Block "1", from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, modified for Block "2", and from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Detached) District, modified for Block "3" for lands located at the rear of 803, 819, 823, 865 and 871 West 5th Street; and Subdivision Application "Parkway Manor" for 58 lots for single detached dwellings and 6 blocks to be developed with the abutting lands and to establish 3 streets.

Received.

7. Letter dated July 2 from J. S. McDowell, Hamilton and District Chamber of Commerce, requesting space in City Hall to display Citizen of the Year Shield.

Referred to Finance and Administration Committee.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that Council move into Committee of the Whole to consider recommendation numbers 1-77 inclusive. The Council then went into Committee of the Whole on the recommendations with Mayor Morrow in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Haining, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, Kelly, D'Amico, O'Sullivan. -16.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that Rule No. 9 of the Procedural By-law be invoked for this meeting of City Council in order to permit consideration of matters not reported upon by the respective Committees.

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Recommendation No. 5 Re: Parking Fees

Recorded vote:

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Haining, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, Kelly, O'Sullivan. -15.

NAYS: Alderman D'Amico. -1.

CARRIED.

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Recommendation No. 8 Re: Four-way Stop Control, Julian and Roxborough Avenues

It was moved by Alderman Wilson and seconded by Alderman Copps that Recommendation No. 8 be referred back to the Transport and Environment Committee. **CARRIED.**

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Recommendation No. 18 Re: Alcohol in Parks - Eastwood Arena/Park

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Horwath, Corsini, Haining, Corps, Wilson, Eisenberger, Collins, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -14.

NAYS: Alderman Jackson. -1. **CARRIED.**

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Recommendation No. 19 Re: Alcohol in Parks - Mountain Arena

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Horwath, Corsini, Haining, Copps, Wilson, Eisenberger, Collins, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -14.

NAYS: Alderman Jackson. -1. **CARRIED.**

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Recommendation No. 20 Re: Alcohol in Parks - Globe Park

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Horwath, Corsini, Haining, Copps, Wilson, Eisenberger, Collins, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -14.

NAYS: Alderman Jackson. -1. **CARRIED.**

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Recommendation No. 27 Re: Licence Agreement - Hamilton Tennis Club and Rosedale Tennis Club

It was moved by Alderman Wilson and seconded by Alderman Copps that Recommendation No. 27 be referred back to the Parks and Recreation Committee. **CARRIED.**

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Recommendation No. 30 Re: Planning Tariff Fees

It was moved by Alderman D'Amico and seconded by Alderman Charters that Recommendation No. 30 be tabled. **CARRIED.**

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Recommendation No. 36(d) Re: Bill C-95 - A By-law to Adopt Official Plan Amendment No. 151 re Rental Housing Stock

Recorded vote:

YEAS: Mayor Morrow, Aldermen Kiss, Horwath, Corsini, Haining, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, Kelly, O'Sullivan. -14.

NAYS: Alderman D'Amico. -1. **CARRIED.**

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Recommendation No. 41 Re: Utility Arrears - Rosedale Tennis Club

It was moved by Alderman Eisenberger and seconded by Alderman Wilson that Recommendation No. 41 be referred to the Finance and Administration Committee. **CARRIED.**

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Recommendation No. 46(c) Re: Election System - Global Election Systems

It was moved by Alderman Eisenberger and seconded by Alderman Collins that Recommendation No. 46 be amended by adding the following as subsection (c):

"(c) That staff meet with ward Aldermen on the issue of the number and location of polling stations per ward and report back to the Finance and Administration Committee." **CARRIED.**

* * * * *

Recorded vote on No. 46 as amended:

YEAS: Mayor Morrow, Aldermen Corsini, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Kelly, O'Sullivan. -10.

NAYS: Aldermen Kiss, Horwath, Morelli, Haining, Anderson, O'Sullivan. -6. **CARRIED.**

* * * * *

Recommendation No. 47 Re: Authorization to Attend 1998 Annual Conference of AMO

It was moved by Alderman Wilson and seconded by Alderman Charters that Recommendation No. 47 be amended to add the words "up to seven (7)" before the word delegate re: AMO Conference 1998. **CARRIED.**

* * * * *

Recommendation No. 49 Re: Hydro Electrical Deregulation

It was moved by Alderman Charters and seconded by Alderman Jackson that Recommendation No. 49 be amended by adding Sub-section (e) as follows:

- "(e) That staff be directed to prepare a report on Hydro Electrical deregulation and the role of the City of Hamilton for the consideration of the Finance and Administration Committee." **CARRIED.**

* * * * *

Recommendation No. 51 Re: Council Chamber Renovations

It was moved by Alderman Wilson and seconded by Alderman Charters that the proposal regarding the Council Chamber renovations as presented by Ross Fair, Director of Culture and Recreation, and attached hereto as Appendix "I", be approved. **CARRIED.**

* * * * *

Recommendation No. 55 Re: Property Appraisers

It was moved by Alderman Eisenberger and seconded by Alderman D'Amico that Recommendation No. 55 regarding "property appraisers" be deferred to the next meeting of Council. **DEFEATED.**

* * * * *

Recommendation No. 55 Re: Property Appraisers

It was moved by Alderman Wilson and seconded by Alderman O'Sullivan that Recommendation No. 55(b) be amended by deleting the titles "Chief Appraiser" and "Chief Property Officer" and substituting them with "Appraiser Co-ordinator" and "Property Co-ordinator" respectively, inlieu thereof. **CARRIED.**

* * * * *

Recommendation No. 70 Re: City Initiative to Remove Charity Gaming Casinos

It was moved by Alderman Copps and seconded by Alderman D'Amico the following be added as Recommendation No. 70:

70. That the staff of the Planning and Development Department be directed to undertake a City Initiative to remove Charity Gaming Casinos as a permitted use in the Zoning By-law. **CARRIED.**

* * * * *

Recommendation No. 71 Re: Annual Greater Hamilton Aquafest

It was moved by Alderman Horwath and seconded by Alderman Corsini that the following be added as Recommendation 71:

That the application of A. Bradford, agent for the Regional Municipality of Hamilton-Wentworth, Economic and Development (No. 1 James Street South) to temporarily close the following City streets from Thursday, 1998 July 16 at 5:00 o'clock p.m. to Sunday, 1998 July 19 at 10:00 o'clock p.m.:

Strachan Street West from James Street to Bay Street
Marsh Street from Simcoe Street to southerly limit
Simcoe Street West from MacNab Street to westerly limit
Ferrie Street West from James Street to Nichol Street
Nichol Street from Ferrie Street to Picton Street
Picton Street West from James Street to westerly limit
Macauley Street West from James Street to Bay Street
Wood Street West from James Street to Bay Street
Burlington Street West from James Street to Bay Street
Guise Street from James Street to Bay Street
Leander Drive from Guise Street to westerly limit
Bay Street North from Strachan Street to Guise Street
MacNab Street North from Strachan Street to Guise Street

for the annual Greater Hamilton Aquafest be approved provided:

- (a) That the prior approval of the Chief of Police or his designate be received and that such permits or authorizations as may be required by the Chief of Police or his designate be obtained; and,

- (b) That the applicant provide proof of \$2,000,000 public liability insurance naming the City of Hamilton and the Region as an added insured party, with a provision for cross liability and holding the City of Hamilton and the Region harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss; and,
- (c) That all barricading, detour signing and traffic control be subject to direction of the Chief of Police or his designate; and,
- (d) That all barricading be supplied by and at the expense of the applicant; and,
- (e) That "Temporary Road Closure" signs be installed in advance by the Department of Public Works and Traffic on the affected roadways, if deemed necessary by the Commissioner of Public Works and Traffic, at the expense of the applicant; and,
- (f) That the applicant ensure that clean up operations be carried out immediately before the re-opening of the roads to the satisfaction of the Commissioner of Transportation and at the expense of the event organizer; and,
- (g) That no property owner or resident within the barricaded area be denied access to their property upon request; and,
- (h) That all property owners and tenants along the closed portion of the route be notified of the event by the applicant prior to the event in a form acceptable to the Commissioner of Transportation.
- (i) That the Hamilton-Wentworth Regional police and City of Hamilton By-law Enforcement/Parking Control staff enforce the 'Permit Parking' regulation, (under Section 33a, subsection 12, of the City Traffic By-law No. 89-72), temporarily in effect on the aforesaid City streets; and,
- (j) That following this years events, staff will organize a public neighbourhood meeting chaired by the Chairman of the Transport and Environment Committee with local residents, event organizers and staff to discuss impacts and possible improvements special events have on the residential streets surrounding Bayfront and Pier 4 Parks; and,
- (k) That the City Traffic By-law No. 89-72 be amended accordingly; and,

- (l) That the following Bill be added, signed, sealed and enrolled as a By-law:

A-58 A By-law to Amend By-law No. 89-72 to Regulate Traffic.

CARRIED.

* * * * *

Recommendation No. 72 Re: East Hamilton Soccer Association

It was moved by Alderman Collins and seconded by Alderman Eisenberger that the following be added as Recommendation 72:

72. That one thousand dollars be granted to the East Hamilton Soccer Association, and that the funds be taken from the remaining grant monies. **CARRIED.**

* * * * *

Recommendation No. 73 Re: 'Permit Parking' Regulation

It was moved by Alderman Corsini and seconded by Alderman Horwath that the following be added as Recommendation 73:

73. (a) That a 'Permit Parking' regulation be implemented on the east side of John Street North commencing at a point 85 feet north of Strachan Street East and extending to a point 20 feet northerly therefrom and that the City Traffic By-law 89-72 be amended accordingly; and,
- (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. Domenico Pirruccio (spelling according to phone book), 350 John Street North; and,
- (c) That the following Bill be adopted, signed, sealed and enrolled as a By-law:
- (a) A-57 A By-law to Amend Traffic By-law No. 89-72 to Regulate Traffic **CARRIED.**

* * * * *

Recommendation No. 74 Re: Statement of Claim, The Canada Marine Act-Hamilton Port Authority

It was moved by Alderman Charters and seconded by Alderman Wilson that the following be added as Recommendation No. 74:

74. (a) That the City of Hamilton authorize the commencement of an action in substance for relief set out in the draft Statement of Claim, with respect to The Canada Marine Act-Hamilton Port Authority, in a form satisfactory to the City Solicitor; and,
- (b) That the City Solicitor report back to the 1998 September meeting of the Committee of the Whole on the status and progress of the Claim.

*Alderman Copps declared an interest in this matter inasmuch as her daughter, The Honourable Sheila Copps, is involved in the Hamilton Harbour issues and refrained from taking part in discussions and voting.

It was subsequently moved by Alderman Eisenberger and seconded by Alderman Corsini that the motion of Alderman Charters regarding the Harbour Commissioners Statement of Claim be referred to a special meeting of City Council. **LOST.**

Motion of Alderman Charters was subsequently voted on and carried.

* * * * *

Recommendation No. 75 Re: Provincial Downloading and Transfer Payments

It was moved by Alderman Anderson and seconded by Alderman Wilson that the following be added as Recommendation No. 75:

75. That a letter be forwarded to the Province respecting the following items relating to provincial downloading and transfer payments:
- (a) Confirmation of impact of recent regulations with respect to payment-in-lieu; and,
- (b) Clarification as to how this impact relates to the Provincial position of revenue neutrality; and,

- (c) That the Province be requested to reverse this decision or provide a grant to offset the approximate additional \$1 million revenue loss as a result of the payment-in-lieu regulations. **CARRIED.**

* * * * *

Recommendation No. 76 Re: Recruitment of CAO and Division Heads

76. (a) That for the purpose of the consolidation of the Regional and City Administrations, a Selection Committee composed of the Mayor, the Regional Chairman and the Chairmen of the City and Regional Standing Committees be established to recommend the appointment of Division Heads for the combined administration; and,
- (b) That the mandate of the Chief Administrative Officer Selection Committee, as previously approved by both Councils, be reconfirmed.

CARRIED.

* * * * *

Recommendation No. 77 Re: Fire Department Vacancies

77. (a) That the Fire Chief be authorized to proceed immediately to fill eight (8) of the currently vacant positions within the Fire Department.
- (b) That the Fire Chief be authorized and directed to establish a pool of trained firefighters in order that future vacancies can be filled within a timely fashion as they occur.
- (c) That the Fire Chief report back within one month with respect to any issues of safety relative to the staffing complement of the Department including a detailing of the number and circumstances of instances of safety, if any. In addition, the report is to contain specifics relative to how the Hamilton Fire Department compares to other fire departments.

CARRIED.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Haining that the Report of the Committee of the Whole on the recommendations, be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Horwath, Corsini, Haining, Wilson, Charters, Jackson, Anderson, Kelly, D'Amico, O'Sullivan. -12.

NAYS: -0.

CARRIED.

* * * * *

ACTING MAYOR FOR THE MONTH OF AUGUST, 1998

It was moved by Alderman Kiss and seconded by Alderman Haining that Alderman C. Collins be appointed Acting Mayor for the month of August, 1998. **CARRIED.**

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City Council recessed at 12:45 p.m. and reconvened in formal session at 4:00 p.m.

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City Council then adjourned at 4:15 o'clock a.m.

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Taken as read and approved.

MAYOR R. M. MORROW

J. J. Schatz
City Clerk
1998 July 7

1998 July 9

Minutes of Hamilton City Council
Thursday, 1998 July 9
3:00 o'clock p.m.
Council Chamber, City Hall

The Council met:

Present: Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Copps, Collins, Eisenberger, Charters, Anderson, D'Amico, O'Sullivan.

Absent: Mayor R. M. Morrow - Vacation
Alderman T. Jackson - Bereavement
Alderman B. Kelly - City Business

Alderman Copps called the formal meeting of City Council to order.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole be now considered in Committee of the Whole. The Council then went into Committee of the Whole with Acting Mayor Copps in the Chair.

Recorded vote.

YEAS: Aldermen Kiss, Caplan, Horwath, Corsini, Haining, Copps, Wilson, Eisenberger, Collins, Charters, Anderson, D'Amico, O'Sullivan. -13.

NAYS: -0.

CARRIED.

COMMITTEE OF THE WHOLE - EIGHTEENTH REPORT

Re: City/Regional Administration- Selection of C.A.O.
York Boulevard Free Parking Program
1998 Budget Revenue and Expenditure Estimates
Zoning and Site Plan Control By-laws

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole be adopted.

Recorded vote.

YEAS: Aldermen Kiss, Caplan, Horwath, Corsini, Haining, Copps, Wilson, Eisenberger, Collins, Charters, Anderson, D'Amico, O'Sullivan. -13.

NAYS: -0.

CARRIED.

* * * * *

City Council then adjourned at 3:10 o'clock p.m.

* * * * *

Taken as read and approved.

**ALDERMAN G. COPPS
ACTING MAYOR**

J. J. Schatz
City Clerk
1998 July 9

REPORT OF THE COMMITTEE OF THE WHOLE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Committee of the Whole presents its **EIGHTEENTH** Report for 1998 and respectfully recommends:

1. (a) That for the purposes of the consolidation of the City and the Regional Administrations, a Selection Committee composed of the Mayor, Regional Chairman, Chairmen of the City and Regional Standing Committees, Councillor G. Etherington and Alderman D. O'Sullivan, be established to recommend the appointments of the Chief Administrative Officer and Division Heads, and an organizational structure for the combined administrations.
- (b) That resolution No. 76 adopted by City Council at its meeting on July 7, 1998 respecting the Selection Committee, be rescinded.
- (c) That the Region be advised of the adoption of this resolution.
2. (a) That the "Two Hour Free Parking" program in the York Boulevard Parkade, which was originally authorized as a one year initiative until 1998 August 08, be extended until the end of the year; and
- (b) That funding for this program be incorporated into the 1998 Budget estimates.
3. (a) That the 1998 Revenue and Expenditure estimates in the amount of \$164,041,120 incorporating the changes from the various Committee of the Whole meetings April 23, 1998 through to and including July 9, 1998 for the City of Hamilton, and representing a total tax increase of 1.72%, be approved subject to any adjustments due to further provincial initiatives, or related City/Regional tax policies; and,
- (b) That all savings relative to the OMERS employer contribution holiday effective August 1, 1998 to July 31, 1999 be used to replenish the Reserve for Tax Stabilization which is being used to finance severance and transitional costs related to the 1998 Current Budget; and,

- (c) That the necessary by-law(s) to establish the 1998 tax levy rates for the City of Hamilton, on the basis of the foregoing revenue and expenditure estimates and any adjustments as noted above, be prepared once all necessary tax policy decisions have been made by Regional Council and forwarded to Council for appropriate readings.
- 4. That the following bills be adopted, signed, sealed and enrolled as By-laws:
 - (a) C-96 A By-law to amend Zoning By-law No. 6593 respecting Land located east of West 5th Street and North of Stonechurch Road West.
 - (b) C-97 A By-law to establish site plan control respecting Land located east of West 5th Street and North of Stonechurch Road West.
 - (c) D-44 A By-law to Confirm the Proceedings of the City Council of the Corporation of the City of Hamilton.

RESPECTFULLY SUBMITTED

ALDERMAN G. COPPS, ACTING CHAIRMAN
COMMITTEE OF THE WHOLE

J. J. Schatz, Secretary
1998 July 9

Minutes of Hamilton City Council
Thursday, 1998 July 30
12:45 o'clock p.m.
Convention Centre

The Council met:

Present: Mayor R. Morrow, Aldermen M. Caplan, A. Horwath, R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Jackson, B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan.

Absent: Alderman M. Kiss - Vacation

Mayor R. M. Morrow called the meeting to order.

* * * * *

It was moved by Alderman Wilson and seconded by Alderman O'Sullivan that Council move into Committee of the Whole to consider a resolution and by-laws respecting the appointment of a City/Regional Manager for the Combined City/Regional Administration.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Copps, Collins, Eisenberger, Jackson, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -16.

NAYS: -0.

CARRIED.

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It was moved by Alderman Wilson and seconded by Alderman O'Sullivan that Rule No. 9 of the Procedural By-law be invoked for this meeting of City Council in order to permit consideration of matters not reported upon by the respective Standing Committees.

CARRIED.

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It was moved by Alderman Wilson and seconded by Alderman O'Sullivan that the following be approved:

- (a) That Mr. Doug Lychak be appointed City/Regional Manager within Salary Schedule A; and,
- (b) That the Commissioner of Human Resources be authorized and directed to negotiate a contract with Mr. Doug Lychak; and,
- (c) That the Commissioner of Legal Services and the City Solicitor be authorized and directed to prepare the appropriate by-laws appointing Mr. Doug Lychak to the position of City/Regional Manager effective September 1, 1998 to August 31, 2002.

Recorded vote.

YEAS: Aldermen M. Caplan, A. Horwath, R. Corsini, B. Morelli, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Jackson, B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan. -14.

NAYS: Mayor Morrow and Alderman D. Haining. -2.

CARRIED.

* * * * *

It was moved by Alderman Wilson and seconded by Alderman O'Sullivan that the following Bill be adopted, signed, sealed and enrolled as a By-law:

E-13 A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton. **CARRIED.**

* * * * *

It was moved by Alderman Wilson and seconded by Alderman O'Sullivan that the Report of the Committee of the Whole on the resolutions be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Copps, Collins, Eisenberger, Jackson, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -16.

NAYS: -0.

CARRIED.

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City Council then adjourned at 12:50 o'clock p.m.

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Taken as read and approved.

MAYOR R. M. MORROW

J. J. Schatz
City Clerk
1998 July 30

1998 August 5

Minutes of Hamilton City Council
Wednesday, 1998 August 5
11:15 o'clock a.m.
Room 233, City Hall

The Council met:

Present: Mayor R. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli, D. Haining, G. Copps, C. Collins, F. Eisenberger, T. Jackson, B. Charters, B. Kelly, F. D'Amico, D. O'Sullivan.

Absent: Alderman D. Wilson - Vacation
Alderman T. Anderson - Vacation

Mayor R. M. Morrow called the meeting to order.

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It was moved by Alderman M. Kiss and seconded by Alderman M. Caplan that the Reports of the Transport and Environment Committee and the Planning and Development Committee, be now considered in Committee of the Whole.

Recorded vote.

YEAS: Mayor R. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli, D. Haining, G. Copps, C. Collins, F. Eisenberger, T. Jackson, B. Charters, B. Kelly, F. D'Amico, D. O'Sullivan. -15.

NAYS: -0.

CARRIED.

TRANSPORT AND ENVIRONMENT COMMITTEE - NINTH REPORT

PLANNING AND DEVELOPMENT COMMITTEE - FOURTEENTH REPORT

Section 1 Re: Change in Zoning, 649 Upper James Street

It was moved by Alderman G. Copps and seconded by Alderman M. Kiss that Section 1 of the Fourteenth Report of the Planning and Development Committee be referred back to the Planning and Development Committee.

Recorded vote.

YEAS: Mayor R. Morrow, Aldermen M. Kiss, R. Corsini, G. Copps, C. Collins. -5.

NAYS: Aldermen M. Caplan, A. Horwath, B. Morelli, D. Haining, F. Eisenberger, T. Jackson, B. Charters, B. Kelly, F. D'Amico, D. O'Sullivan. -10. **LOST.**

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RESOLUTIONS

Re: Rule No. 9: Sale of Alcoholic Beverages at Mohawk Sports Park

It was moved by Alderman B. Morelli and seconded by Alderman R. Corsini that Rule No. 9 of the Procedural By-law be invoked for this meeting of City Council in order to permit consideration of a resolution respecting the sale of alcoholic beverages at Mohawk Sports Park by the Hamilton Hornets Rugby Football Club. **CARRIED.**

* * * * *

It was moved by Alderman B. Morelli and seconded by Alderman R. Corsini that approval be granted to the Hamilton Hornets Rugby Football Club to sell alcoholic beverages at Mohawk Sports Park on September 4 to 7, 1998 inclusive, by Special Occasion Permit only, and in accordance with the terms and conditions of the License Agreement. **CARRIED.**

* * * * *

It was moved by Alderman M. Kiss and seconded by Alderman M. Caplan that the Report of the Committee of the Whole on the reports of the Transport and Environment Committee and the Planning and Development Committee, be adopted.

Recorded vote.

YEAS: Mayor R. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli, D. Haining, G. Copps, C. Collins, F. Eisenberger, T. Jackson, B. Charters, B. Kelly, F. D'Amico, D. O'Sullivan. -15.

NAYS: -0.

CARRIED.

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City Council then adjourned at 11:30 o'clock a.m.

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Taken as read and approved.

MAYOR R. M. MORROW

S. G. Hollowell
Acting City Clerk
1998 August 5

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Transport and Environment Committee presents its NINTH Report for 1998 and respectfully recommends:

1. That City Council enact the By-law to alter the roadway of Crockett Street between Upper Gage Avenue and East 31st Street by narrowing the pavement from the existing width of 15.2m to 12.2m.

2. That the following Bill be adopted, signed, sealed and enrolled as a By-law:

A-59 A By-law to Alter Crockett Street between Upper Gage Avenue and East 31st Street by Narrowing the Pavement.

Respectfully Submitted,

**ALDERMAN CHAD COLLINS, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE**

**Kevin C. Christenson
Secretary**

1998 August 5

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **FOURTEENTH** Report for 1998 and respectfully recommends:

1. That approval be given to Amended Zoning Application ZAC-98-02, 1135193 Ontario Inc. (Hussein Ghaddar), prospective owner, requesting a change in zoning from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "H" - 'H' (Community Shopping and Commercial, etc. - Holding) District, modified (Block "1") and from "H" (Community Shopping and Commercial, etc.) District to "H" - 'H' (Community Shopping and Commercial, etc. - Holding) District, modified (Block "2") to permit additional commercial uses, for property located at 649 Upper James Street, as shown on the attached map marked as Appendix "A", on the following basis:
 - (a) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning District the holding provision will prohibit the development of the subject lands until such time as the owner submits a Record of Site Condition (RSC) to the Region and the Ministry of Environment (MOE), to the satisfaction of the Region, including an acknowledgement of receipt of the RSC from the MOE.

City Council may remove the 'H' symbol, and thereby give effect to the rezoning and modified provision as stipulated in this By-law, by enactment of an amending By-law once the condition is fulfilled; and,
 - (b) That Block "1" be rezoned from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "H" - 'H' (Community Shopping and Commercial, etc. - Holding District; and,
 - (c) That Block "2" be rezoned from "H" (Community Shopping and Commercial, etc.) District to "H" - 'H' (Community Shopping and Commercial, etc. - Holding District; and,
 - (d) That the "H" (Community Shopping and Commercial, etc.) District provisions, as contained in Section 14 of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified as follows:

- 1) That notwithstanding Section 14(1) of Zoning By-law No. 6593, a restaurant will not be permitted;
 - 2) A minimum 1.5 m wide planting strip shall be provided and maintained along the southerly lot line except for an access driveway;
 - 3) A minimum 3.0 m wide planting strip shall be provided and maintained along the westerly lot line except for an access driveway;"
- (e) That the amending By-law be added to Section 19B of Zoning By-law No. 6598 as Section S-1409, and that the subject lands on Zoning District Map E-7 be notated S-1409; and,
 - (f) That By-law No. 70-42, applicable to the subject lands be repealed; and,
 - (g) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-7 for presentation to City Council; and,
 - (h) That the proposed changes in zoning are in conformity with the Official Plan for the City of Hamilton Planning Area.
2. (a) That approval be given to Amended Zoning Application ZAR-98-21, 1263674 Ontario Inc. and 1280788 Ontario Inc. (M. Sharma), owner, for a modification to the established "C" (Urban Protected Residential, etc.) District, for lands located east of Greenhill Avenue, west of Webster Road and north of the existing railway line in the Nash Orchards Heights South draft approved plan of subdivision, as shown on the attached map marked as Appendix "B", on the following basis:
 - (i) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances, as special requirements:
 - (1) That notwithstanding Section 2.(6) and Section 9.(3)(ii) of Zoning By-law No. 6593, only a portion of one required side yard having a width of not less than 0.60 metres that abuts the wall of an attached garage shall be permitted, except that:
 - (a) in the case of a corner lot, a side yard having a flankage width of not less than 1.2 metres shall be provided and maintained; and,

- (b) where a side yard abuts any other residential district, a side yard of 1.2 metres shall be provided and maintained; and,
 - (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1410, and that the subject lands on Zoning District Map E-18 be notated S-1410; and,
 - (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18 for presentation to City Council; and,
 - (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
 - (e) That the City Solicitor be directed to provide for the establishment of maintenance easements for all lots with 0.60 m sideyard setbacks by the developer as part of the City of Hamilton Subdivision Agreement which is required as a condition of draft plan approval for the "Nash Orchards Heights South" subdivision.
3. That approval be given to Amended Zoning Application ZAC-98-20, Hampshire Properties Limited, owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family Dwelling) District (Blocks "1" and "4") and "R-4" (Small Lot Single Family Dwelling) District, modified (Blocks "2" and "3"), to permit the development of 83 small lot single family detached dwellings, for property located at the rear of 1289 - 1317 Upper James Street, as shown on the attached map marked as Appendix "C", on the following basis:
- (a) That the subject lands (Blocks "1", "2", "3" and "4") be rezoned from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family Dwelling) District; and,
 - (b) That the "R-4" (Small Lot Single Family Dwelling) District regulations, as contained in Section 9A of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 9A(2)(b)(iv), a rear yard having a depth of not less than 6.0 m shall be provided and maintained; and,
 - (ii) That notwithstanding Section 9A(2)(c), a minimum lot width of 10.5 m and a minimum lot area of 307 m² shall be provided and maintained; and,

- (c) That the "R-4" (Small Lot Single Family Dwelling) District regulations, as contained in in Section 9A of Zoning By-law No. 6593, applicable to Block "3", be modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 9A(2)(b)(iv), a rear yard having a depth of not less than 6.0 m shall be provided and maintained; and,
 - (ii) That notwithstanding Section 9A(2)(c), a minimum lot width of 11.0 m and a minimum lot area of 313 m² shall be provided and maintained; and,
 - (d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S-1411, and that the subject lands on Zoning District Map E-9C be notated S-1411; and,
 - (e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9C for presentation to City Council; and,
 - (f) That the proposed changes in zoning are in conformity with the Official Plan for the City of Hamilton Planning Area.
- 4.
- (a) That Appendix 'A' to the Downtown Hamilton Community Improvement Plan adopted by By-law 97-140, that describes the terms of the Hamilton Downtown Convert/Renovate-to-Rent Loan Program, be repealed and replaced with Appendix "D" attached; and,
 - (b) That Schedule 'C' to the Downtown Hamilton Community Improvement Plan adopted by By-law 97-140, that describes the terms of the Gore Heritage 2000 Program be repealed and replaced with Appendix "E", attached; and,
 - (c) That Section 9 of the Downtown Hamilton Community Improvement Plan adopted by By-law 97-140 be amended by the addition of the wording shown on Appendix "F", attached; and,
 - (d) That the amendments to the Downtown Hamilton Community Improvement Plan be submitted to the Ministry of Municipal Affairs and Housing for the appropriate approval; and,
 - (e) That the City Solicitor be authorized to prepare the requisite By-law for (a), (b) and (c) above.

5. (a) That the following Community Improvement Plans be amended to incorporate the Tenant Loan/Grant Component of the Commercial Property Improvement Loan Program described in the criteria attached as Appendixes "G", "H" and "I" accordingly:
 - (i) The Concession Street Community Improvement Plan;
 - (ii) The Downtown Hamilton Community Improvement Plan;
 - (iii) The Downtown Hamilton B.I.A. Community Improvement Plan;
 - (iv) The International Village Community Improvement Plan;
 - (v) The Main Street West Community Improvement Plan;
 - (vi) The Ottawa Street Community Improvement Plan;
 - (vii) The Westdale Village Community Improvement Plan;
 - (viii) The Barton General Community Improvement Plan; and,
 - (ix) The Barton Village Community Improvement Plan.
 - (b) That the above Community Improvement Plans be amended to reduce the interest rate to zero percent if the borrower makes all the payments of the principal of the loan. If the borrower defaults the interest rate shall be the rate charged on tax arrears, under Bylaw No. 94-189; and,
 - (c) That the amendments to the above Community Improvement Plans be submitted to the Ministry of Municipal Affairs and Housing for the appropriate approval; and,
 - (d) That the City Solicitor be authorized to prepare the requisite By-law for (a) and (b) above.
6. That a Heritage Permit be approved for the alterations proposed by the owner of 18 Chilton Place, as identified in the elevation drawings dated June 1998 attached hereto and marked as Appendix "J", with the condition that the extension of the front living room window down through the sill course not be included in the Heritage Permit.
 7. That a Heritage Permit be approved for the alterations to the roofline at 712 Main Street East, Hamilton Regional Indian Centre, as referenced in McCallum Sather Architects Inc.'s Drawing No. A3 dated 1998 May, attached hereto and marked as Appendix "K".

8. That notwithstanding the Local Architectural Conservation Advisory Committee's preference that the columns erected at 252 James Street South be removed to protect the architectural integrity of the building, that a Heritage Permit for the erection of columns and a canopy at 252 James Street South be approved based on the proposal received on 1998 June 24 attached hereto and marked as Appendix "L", under the following conditions:
 - (a) that a Building Permit is issued for the proposal; and,
 - (b) that the canopy is not attached to the building; and,
 - (c) that a re-application for approval of a Heritage Permit be made at the time when the canopy is in need of replacement.
9. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
 - (a) C-98 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Located at Municipal Nos. 1016, 1062 and 1088 Upper Paradise Road.
 - (b) C-99 A By-law to Establish Site Plan Control Respecting Lands Located at Municipal Nos. 1016, 1062 and 1088 Upper Paradise Road.
 - (c) C-100 A By-law to Amend By-law No. 97-140 Respecting The Downtown Hamilton Community Improvement Plan.
 - (d) C-101 A By-law to Amend By-law Nos. 98-120 and 98-121 Respecting The Downtown Hamilton Business Improvement Area Community Improvement Plan and The Main Street West Community Improvement Plan.
 - (e) C-102 A By-law to Amend By-law No. 88-12 and By-law No. 98-103 Respecting Barton General Community Improvement Plan and The Barton Village General Community Improvement Plan.
 - (f) C-103 A By-law to Amend By-law Nos. 87-87, 87-88, 87-89, 90-299, 95-11, 95-12 Respecting The Concession Community Improvement Plan, The Downtown Hamilton Community Improvement Plan, The International Village Community Improvement Plan, The Main Street West Community Improvement Plan, The Ottawa Street North Community Improvement Plan and The Westdale Village Community Improvement Plan.

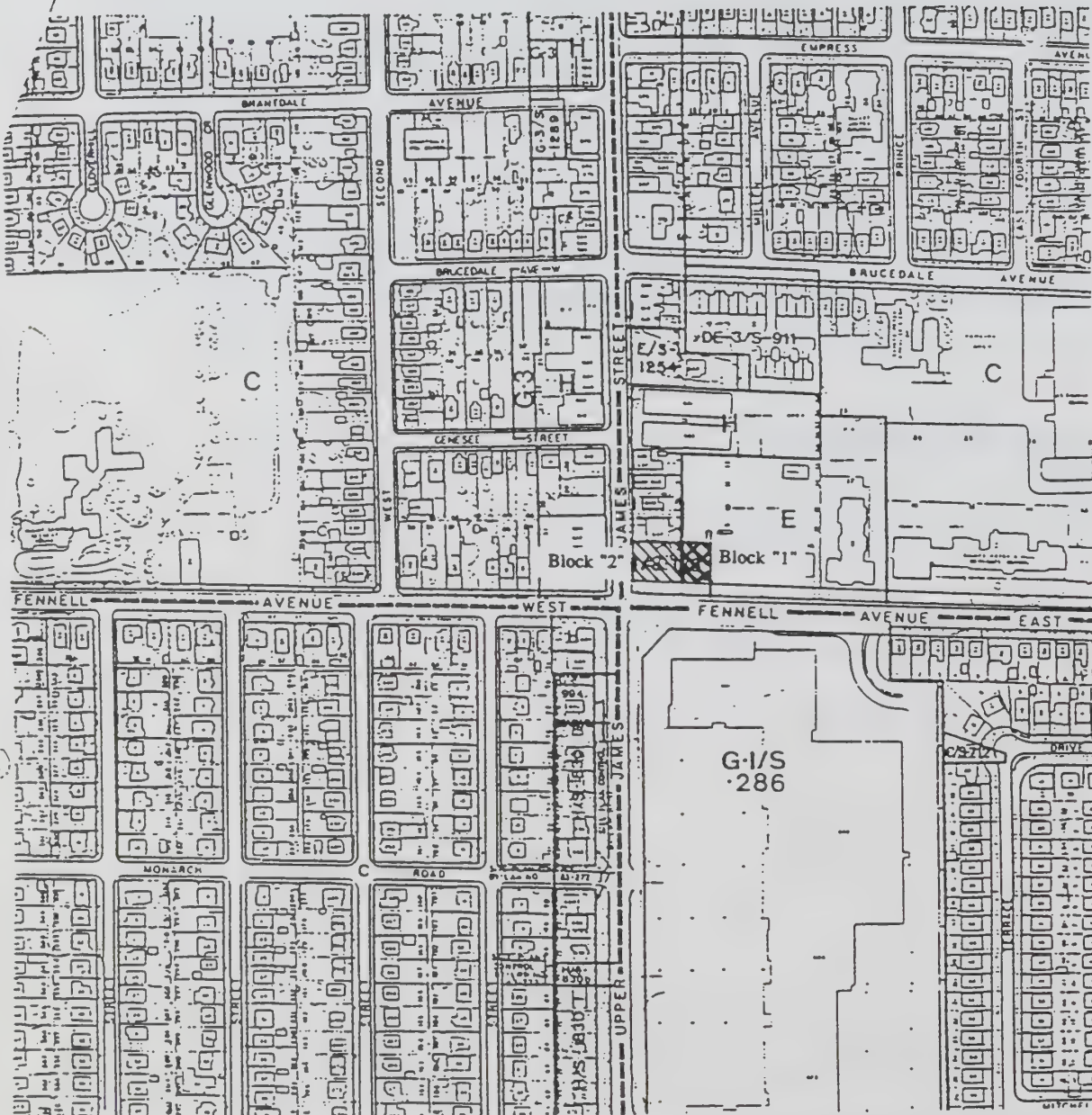
1998 August 5

- (g) C-104 A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton.



Respectfully submitted,

**ALDERMAN F. D'AMICO, CHAIRMAN
PLANNING AND DEVELOPMENT
COMMITTEE**

**Stella Glover, Acting Secretary
1998 August 5**



Legend

-  Block "1" - Change in zoning from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "H" - "H" (Community Shopping and Commercial, etc. - Holding) District
-  Block "2" - Change in zoning from "H" (Community Shopping and Commercial, etc.) District to "H" - "H" (Community Shopping and Commercial, etc. - Holding) District

City of Hamilton

Location Map

Planning and Development Department

North

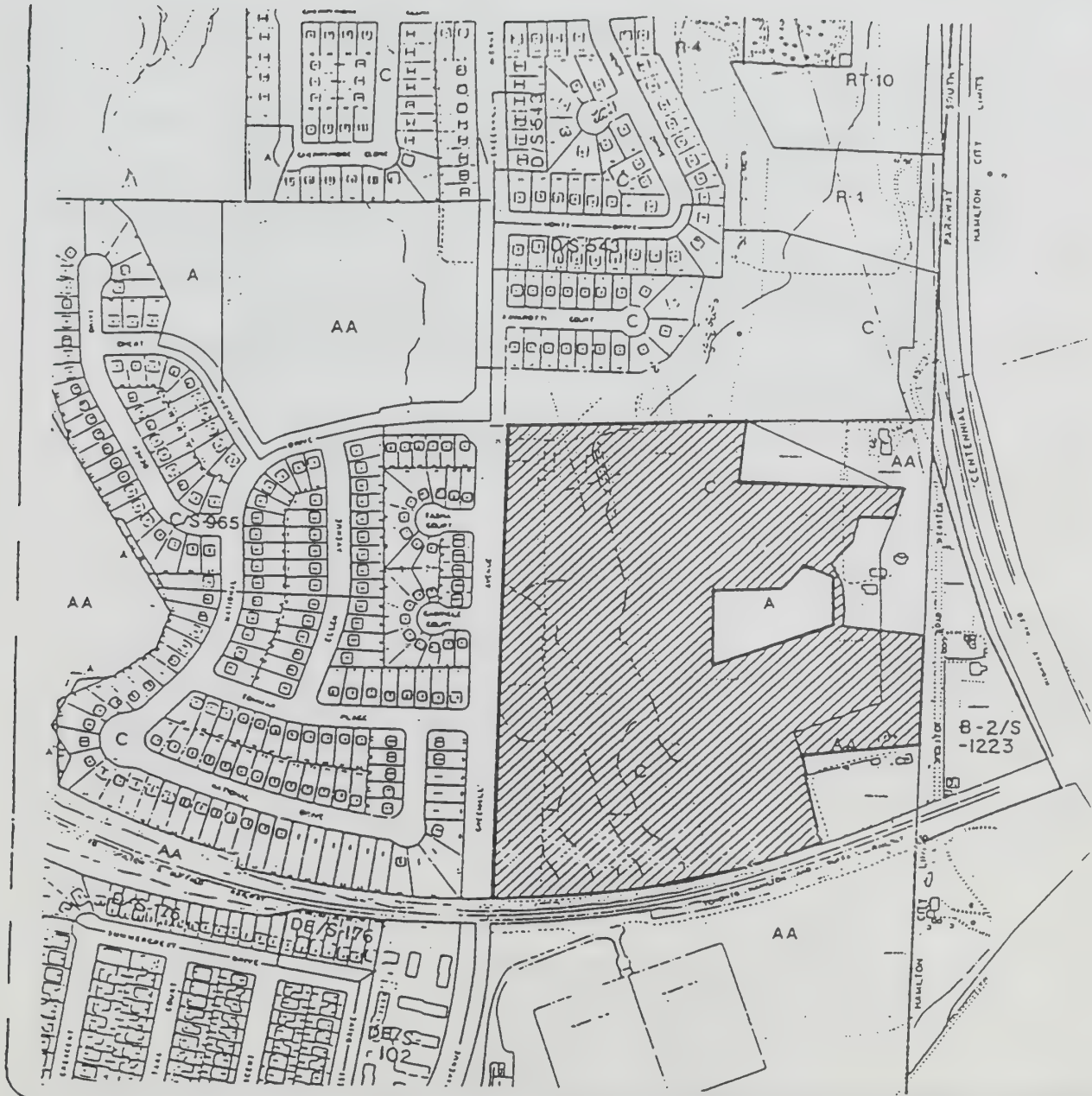


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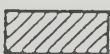
Date
January, 1998

Reference File No.
ZAC-98-02

Drawn By
R.L.



Legend



Site of the Application

City of Hamilton

Location Map

Planning and Development Department

North

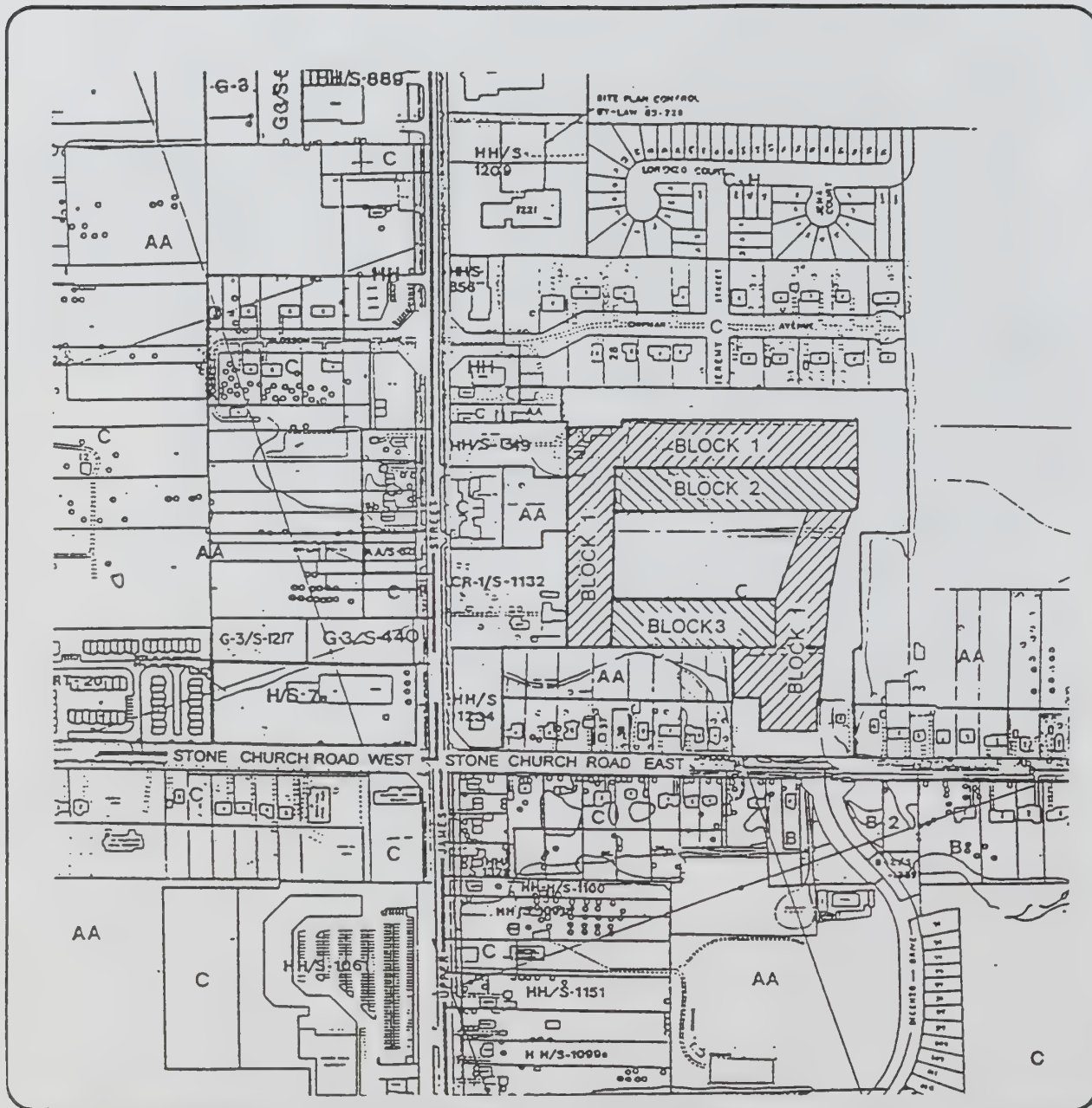


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NOT TO SCALE

Date
May 1998

Reference File No.
ZAR - 98-21

Drawn By
D.L.



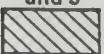
Legend

BLOCK 1



Change in zoning from "C" (Urban Protected Residential) District to "R-4" (Small Lot Single Family) District.

BLOCKS 2 and 3



Change in zoning from "C" (Urban Protected Residential) District. To "R-4" (Small Lot Single Family Dwelling) District, modified.

City of Hamilton

Location Map

Planning and Development Department

North



Scale
NOT TO SCALE

Date
July 1998

Reference File number
ZAC-98-20 Amended

Drawn By
FAB

**Summary of Terms of Hamilton Downtown
Convert/Renovate to Residential Program**

Lender:	The Corporation of the City of Hamilton.
Duration of loan program:	Until terminated by Council
Loan interest rate:	Zero interest.
Interest on arrears:	13% per annum or such tax arrears interest rate established by Council.
Maximum loan term:	Ten years (subject to prior termination on default). Principal repayable in monthly amounts over 120 months.
Maximum loan:	The lesser of cost or \$12,000 per unit maximum for units 600 sq ft or less. Unit size in excess of 600 sq ft, per unit, qualifies for additional assistance at the rate of \$20 per sq ft to a maximum of \$20,000. Loans are for a maximum of 8 units per deeded property.
Purpose of loan:	Costs of converting upper floors of commercial buildings into apartments or renovations to bring existing apartments into compliance with the Property Standards By-law and Fire Code. The existing apartments must be in commercial buildings.
Security:	Promissory Note and lien on property being improved and/or a collateral mortgage on other property subject to City's minimum equity requirement.
Minimum equity requirement:	Owner shall have not less than 25% equity in the appraised value of the property offered as security, including value of alterations being financed.
Realty taxes:	In good standing at all times.
Eligible costs:	All costs associated with the conversion or renovations to be borne by the applicant including construction, design, appraisal, legal, registration fees. City retains right to assess reasonableness of costs and which costs are eligible for program.
Sale or refinancing of property:	Due in full.
Except as provided above, subject to City's usual lending criteria.	

(j) **Conditions of Grant**

The project must be fully described in the application form and the eligible items identified and approved before the work commences. The project must be completed as defined in the application form and to a high standard of craftsmanship. In the event of demolition or removal of the funded improvements within the first five years of awarding the grant, the applicant of the grant will be responsible for paying the full amount of the grant back to the City.

nn)

CORE HERITAGE PROGRAM

1. The program will apply to the heritage commercial properties located within the Downtown Hamilton Community Improvement Project Area (Queen Street to Cannon Street to Victoria Avenue to Hunter Street) where a Facade Design Study is approved.
2. Owners and tenants of commercial heritage properties in the Downtown area with no tax arrears are eligible. Properties to be funded must comply with the zoning By-law. Criteria for the tenants shall be that of the owners except that a tenant must have permission of the property owner to make changes to a building.
3. The Core Heritage 2000 Program is a three-part project designed to revitalize the central core by providing matching grants to:
 - (a) restore the historic building facades and in cases of special heritage features, improve the rear and side facades;
 - (b) improve the storefronts and enhance pedestrian amenities through the use of canopies; and,
 - (c) improve the quality of the commercial signage. Proposals must meet the prescribed design criteria.
4. Funding will be in the form of matching grant up to a maximum of \$20,000 per property; properties with a frontage of more than 40 feet will be eligible for a matching grant of \$500 per foot to a maximum of \$75,000. Buildings designated under the Ontario Heritage Act are eligible for an additional \$5,000 matching grant. Design, labour and materials are eligible but not the owners' "sweat equity".
5. In the event of demolition or removal of funded improvements within the first five years of awarding the grant, the owner of the property will be responsible for repaying the full amount of the grant back to the City.
6. Applications will be taken by the Housing and Loans Division of the Building Department. The technical processing of the grant and facade design will be undertaken by the Planning and Development Department, Heritage Planning staff.

During pre-submission meetings, Guidelines for Heritage Restoration, Improving Storefronts and Canopies, and Commercial Signage will be provided to each interested property owner/tenant. Each application will be reviewed by Heritage Planning and an advisory committee, following the procedure established for the Gore Heritage 2000 Program. When the final drawing is submitted and the proposal approved by Council or the C.A.O., the applicant is then entitled to proceed with the project. Approval of the technical work will be done by the Planning and Development Department after a site visit. The Housing and Loans Division will forward the grant money.

7. The Core Heritage 2000 Program demonstrates the City's leadership in a joint public-private funding approach. Joint public-private ventures are needed for long lasting revitalization of the downtown.
8. The Core Heritage 2000 grants can be used in conjunction with other improvement programs such as the Convert/Renovate-to-Rent Loan Program, the Commercial Property Improvement Loan Program and the Community Heritage (loan) Fund, provided the established design criteria are used, to spur on the renewal of the building's interior as well as exterior.
9. The Core Heritage 2000 funding enables small-scale developers to participate in and contribute to downtown revitalization.
10. A greatly enhanced streetscape will help attract more people into the downtown area, the ultimate goal of downtown revitalization.
11. Renovation and restoration work is labour intensive and will serve to create jobs for smaller and more specialized firms.
12. Economic recovery will lead to increased taxes.
13. With this effort to revive and enhance the buildings within the core, the city will demonstrate its long-term commitment to downtown revitalization, its support of the private property owners/tenants who carry the financial responsibility for the core, and its belief in Hamilton's future."

TENANT LOAN GUIDELINES

- 3.0 The following guidelines apply to loans from The Corporation of the City of Hamilton to commercial tenants located within a Community Improvement Area. To be eligible for a loan the tenant must be located in a building that is in a Business Improvement Area and the property occupied by the tenant must be specially assessed or specially assessable for the levy payable to the Board of Management of the respective Business Improvement Area.
- 3.1 Upon receipt of a satisfactory application to the City which meets the criteria of the loan program, including the criteria set out herein, loans may be made by the City for a term not exceeding ten (10) years, at the interest rate charged on tax arrears by the City pursuant to By-law No. 94-189.
- If the borrower makes all the required payments of the loan, the City agrees to forgive the interest portion of the loan. If the borrower does not make all of the payments of the principal portion of the loan, the tax arrears interest rate, as specified by By-law No. 94-189, will accrue on the principal amount outstanding from the date of the payment default.
- 3.2 The interest rate shall be established at time of loan approval. Interest shall commence to run after the Interest Adjustment Date (I.A.D.) namely, the first of the month following full advancement of the loan. Repayment of loans shall be monthly but open to full repayment at any time without notice of penalty.
- 3.3 These loans are solely intended for the tenants who operate a business within the designated Community Improvement Project Areas where the owner's lands are used for non-residential and commercial purposes which, in the opinion of the City,
- (a) are intended for the eligible improvements and expenses contemplated in the Community Improvement Plan as amended herein;
 - (b) fulfil the objectives of the City expressed in the Community Improvement Plan, as amended herein;
 - (c) meet the security/equity and other requirements of the City's loan program including the requirements specified herein.
- 3.4 Loan amounts shall not exceed the sum of \$10,000, in respect of the cost of eligible improvements to each separate location of the tenant under lease from the owner. If a tenant has more than one leasehold interest eligible for this program, the tenant may only receive a maximum of \$30,000.00 in loans under this Program.
- 3.5 In the event the owner of a business within a Business Improvement Area does not own the building, a loan of less than \$5,000 will be secured by a Promissory Note, and for loans greater than \$5,000, a collateral mortgage will be obtained on other real property owned by the tenant. For loans not secured by a collateral mortgage, the City shall have the sole discretion to decide upon a loan amount, which shall be based on the creditworthiness of the applicant and the revenue and expenses of the business.
- 3.6 Loans may be for the following types of improvements and their related expenses:
- interior fixtures, including partitions;
 - interior decorating, including lighting, painting, wallpaper, etc.;
 - built-in showcases, freezers, special plumbing, etc.;
 - signage;
 - related professional fees (architects, engineers, appraisers, lawyers, etc.) and the application fee of the greater of 1.5% of the loan or \$200;

- such other loan program administrative fees fixed by Council from time to time.
- 3.7 Loans shall be advanced only in respect of completed work which has been inspected by the City.
- 3.8 Loans may not be made for expenses such as chattels, (such as tables, chairs, cash registers) nor shall loans be made for rental/owner occupied residential accommodation.
- 3.9 The building envelope, including exterior shell (foundation, exterior walls, roof, fire escapes, chimneys) and major systems, shall be inspected by the Building Department prior to the loan application being considered by the City. Any deficiencies shall qualify for a loan in advance of facade improvements (store fronts, aesthetics, signage, etc.).
- 3.10 The tenant will obtain two estimates for all eligible improvements after the City's inspection of the building. Where an owner personally carries out the work, only the cost of materials is eligible for a loan, upon receipt of invoices.
- 3.11 A report by the Building Department (Housing and Loans Division) on each loan will be made to the Planning and Development Committee and Council for approval. The Committee and the Council have the discretion to allow or not to allow the loan. The recommendation of the Board of Management of the local B.I.A. will be received in respect of the exterior improvement portion of loan applications.
- 3.12 Each borrower shall give the City a promissory note in respect of each loan; and as security for repayment of the loan made by the City, the borrower shall:
 - (i) where the borrower is a limited company, provide the City with the personal guarantee of at least the majority of the owner(s) of the shares, together with documents satisfactory to the City confirming the authorization of the Corporation to apply for the loan and give the loan security to the City;
 - (ii) the tenant must have at least 25% equity, after covering outstanding property encumbrances, including the amount of the City's loan, on the property the tenant grants the City a collateral mortgage;
 - (iii) the tenant may grant the City a collateral mortgage in other property that meets the City's equity requirements, provided the owner's lawyer prepares and certifies to the City, at the owner's expense, the collateral mortgage in a form satisfactory to the City Solicitor;
- 3.13 The borrower shall keep in good standing any taxes or rates levied against the tenant's interest in the property.
- 3.14 The Departmental charge shall be 1 1/2% of the loan or \$200, whichever is more, as an administration fee. This will become an eligible expense on the application.
- 3.15 Upon sale of a property which is secured by a collateral mortgage, the loan is due and payable in full to the City.
- 3.16 All loans become due and payable upon the sale, closing or moving of the borrower's business.

BARTON GENERAL COMMUNITY IMPROVEMENT PLAN**TENANT LOAN GUIDELINES**

5.0 The following guidelines apply to loans from The Corporation of the City of Hamilton to commercial tenants located within the Barton General Community Improvement Plan Area. To be eligible for a loan, the tenant must be located in a building that is in a Business Improvement Area and the property occupied by the tenant must be specially assessed or specially assessable for the levy payable to the Board of Management of the respective Business Improvement Area.

5.1 Upon receipt of a satisfactory application to the City which meets the criteria of the loan program, including the criteria set out herein, loans may be made by the City for a term not exceeding ten (10) years, at the interest rate charged on tax arrears by the City pursuant to By-law No. 94-189.

If the borrower makes all the required payments of the loan, the City agrees to forgive the interest portion of the loan. If the borrower does not make all of the payments of the principal portion of the loan, the tax arrears interest rate, as specified by By-law No. 94-189, will accrue on the principal amount outstanding from the date of the payment default.

5.2 The interest rate shall be established at time of loan approval. Interest shall commence to run after the Interest Adjustment Date (I.A.D.) namely, the first of the month following full advancement of the loan. Repayment of loans shall be monthly but open to full repayment at any time without notice of penalty.

5.3 These loans are solely intended for the tenants who operate a business within the designated Community Improvement Project Areas where the owner's lands are used for non-residential and commercial purposes which, in the opinion of the City,

- (a) are intended for the eligible improvements and expenses contemplated in the Community Improvement Plan as amended herein;
- (b) fulfil the objectives of the City expressed in the Community Improvement Plan, as amended herein;
- (c) meet the security/equity and other requirements of the City's loan program including the requirements specified herein.

5.4 Loan amounts shall not exceed the sum of \$10,000, in respect of the cost of eligible improvements to each separate location of the tenant under lease from the owner. If the tenant has more than one leasehold interest eligible for this program, the tenant may receive only a maximum of \$30,000.00 in loans under the program.

- 5.5 In the event the owner of a business within a Business Improvement Area does not own the building, a loan of less than \$5,000 will be secured by a Promissory Note, and for loans greater than \$5,000, a collateral mortgage will be obtained on other real property owned by the tenant. For loans not secured by a collateral mortgage, the City shall have the sole discretion to decide upon a loan amount, which shall be based on the creditworthiness of the applicant and the revenue and expenses of the business.
- 5.6 Loans may be for the following types of improvements and their related expenses:
- interior fixtures, including partitions;
 - interior decorating, including lighting, painting, wallpaper, etc.;
 - built-in showcases, freezers, special plumbing, etc.;
 - signage;
 - related professional fees (architects, engineers, appraisers, lawyers, etc.) and the application fee of the greater of 1.5% of the loan or \$200;
 - such other loan program administrative fees fixed by Council from time to time.
- 5.7 Loans shall be advanced only in respect of completed work which has been inspected by the City.
- 5.8 Loans may not be made for expenses such as chattels, (such as tables, chairs, cash registers) nor shall loans be made for rental/owner occupied residential accommodation.
- 5.9 The building envelope, including exterior shell (foundation, exterior walls, roof, fire escapes, chimneys) and major systems, shall be inspected by the Building Department prior to the loan application being considered by the City. Any deficiencies shall qualify for a loan in advance of facade improvements (store fronts, aesthetics, signage, etc.).
- 5.10 The tenant will obtain two estimates for all eligible improvements after the City's inspection of the building. Where an owner personally carries out the work, only the cost of materials is eligible for a loan, upon receipt of invoices.
- 5.11 A report by the Building Department (Housing and Loans Division) on each loan will be made to the Planning and Development Committee and Council for approval. The Committee and the Council have the discretion to allow or not to allow the loan. The recommendation of the Board of Management of the local B.I.A. will be received in respect of the exterior improvement portion of loan applications.
- 5.12 Each borrower shall give the City a promissory note in respect of each loan; and as security for repayment of the loan made by the City, the borrower shall:

- (i) where the borrower is a limited company, provide the City with the personal guarantee of at least the majority of the owner(s) of the shares, together with documents satisfactory to the City confirming the authorization of the Corporation to apply for the loan and give the loan security to the City;
 - (ii) the tenant must have at least 25% equity, after covering outstanding property encumbrances, including the amount of the City's loan, on the property the tenant grants the City a collateral mortgage;
 - (iii) the tenant may grant the City a collateral mortgage in other property that meets the City's equity requirements, provided the owner's lawyer prepares and certifies to the City, at the owner's expense, the collateral mortgage in a form satisfactory to the City Solicitor;
- 5.13 The borrower shall keep in good standing any taxes or rates levied against the tenant's interest in the property.
- 5.14 The Departmental charge shall be 1 1/2% of the loan or \$200, whichever is more, as an administration fee. This will become an eligible expense on the application.
- 5.15 Upon sale of a property which is secured by a collateral mortgage, the loan is due and payable in full to the City.
- 5.16 All loans become due and payable upon the sale, closing or moving of the borrower's business.

6.0 Grants to Tenants

The provisions of paragraph 3.0 of Schedule "A" of By-law No. 95-180 to the owners of lands shall apply to grants to the tenants of property located in the Barton General Community Improvement Plan Area with the necessary changes, except as amended by this section.

- 6.1 The maximum grant to a tenant shall be \$5,000. If the tenant has more than one leasehold interest eligible for this program, the tenant may receive only a maximum of \$15,000 in loans under the program.

BARTON VILLAGE COMMUNITY IMPROVEMENT PLAN**TENANT LOAN GUIDELINES**

17. The following guidelines apply to loans from The Corporation of the City of Hamilton to commercial tenants located within the Barton Village Community Improvement Plan Area. To be eligible for a loan, the tenant must be located in a building that is in a Business Improvement Area and the property occupied by the tenant must be specially assessed or specially assessable for the levy payable to the Board of Management of the respective Business Improvement Area.
18. Upon receipt of a satisfactory application to the City which meets the criteria of the loan program, including the criteria set out herein, loans may be made by the City for a term not exceeding ten (10) years, at the interest rate charged on tax arrears by the City pursuant to By-law No. 94-189.

If the borrower makes all the required payments of the loan, the City agrees to forgive the interest portion of the loan. If the borrower does not make all of the payments of the principal portion of the loan, the tax arrears interest rate, as specified by By-law No. 94-189, will accrue on the principal amount outstanding from the date of the payment default.

19. The interest rate shall be established at time of loan approval. Interest shall commence to run after the Interest Adjustment Date (I.A.D.) namely, the first of the month following full advancement of the loan. Repayment of loans shall be monthly but open to full repayment at any time without notice of penalty.
20. These loans are solely intended for the tenants who operate a business within the designated Community Improvement Project Areas where the owner's lands are used for non-residential and commercial purposes which, in the opinion of the City,
 - (a) are intended for the eligible improvements and expenses contemplated in the Community Improvement Plan as amended herein;
 - (b) fulfil the objectives of the City expressed in the Community Improvement Plan, as amended herein;
 - (c) meet the security/equity and other requirements of the City's loan program including the requirements specified herein.

21. Loan amounts shall not exceed the sum of \$10,000, in respect of the cost of eligible improvements to each separate location of the tenant under lease from the owner. If the tenant has more than one leasehold interest eligible for this program, the tenant may receive only a maximum of \$30,000.00 in loans under the program.
22. In the event the owner of a business within a Business Improvement Area does not own the building, a loan of less than \$5,000 will be secured by a Promissory Note, and for loans greater than \$5,000, a collateral mortgage will be obtained on other real property owned by the tenant. For loans not secured by a collateral mortgage, the City shall have the sole discretion to decide upon a loan amount, which shall be based on the creditworthiness of the applicant and the revenue and expenses of the business.
23. Loans may be for the following types of improvements and their related expenses:
 - interior fixtures, including partitions;
 - interior decorating, including lighting, painting, wallpaper, etc.;
 - built-in showcases, freezers, special plumbing, etc.;
 - signage;
 - related professional fees (architects, engineers, appraisers, lawyers, etc.) and the application fee of the greater of 1.5% of the loan or \$200;
 - such other loan program administrative fees fixed by Council from time to time.
24. Loans shall be advanced only in respect of completed work which has been inspected by the City.
25. Loans may not be made for expenses such as chattels, (such as tables, chairs, cash registers) nor shall loans be made for rental/owner occupied residential accommodation.
26. The building envelope, including exterior shell (foundation, exterior walls, roof, fire escapes, chimneys) and major systems, shall be inspected by the Building Department prior to the loan application being considered by the City. Any deficiencies shall qualify for a loan in advance of facade improvements (store fronts, aesthetics, signage, etc.).
27. The tenant will obtain two estimates for all eligible improvements after the City's inspection of the building. Where an owner personally carries out the work, only the cost of materials is eligible for a loan, upon receipt of invoices.

28. A report by the Building Department (Housing and Loans Division) on each loan will be made to the Planning and Development Committee and Council for approval. The Committee and the Council have the discretion to allow or not to allow the loan. The recommendation of the Board of Management of the local B.I.A. will be received in respect of the exterior improvement portion of loan applications.
29. Each borrower shall give the City a promissory note in respect of each loan; and as security for repayment of the loan made by the City, the borrower shall:
 - (i) where the borrower is a limited company, provide the City with the personal guarantee of at least the majority of the owner(s) of the shares, together with documents satisfactory to the City confirming the authorization of the Corporation to apply for the loan and give the loan security to the City;
 - (ii) the tenant must have at least 25% equity, after covering outstanding property encumbrances, including the amount of the City's loan, on the property the tenant grants the City a collateral mortgage;
 - (iii) the tenant may grant the City a collateral mortgage in other property that meets the City's equity requirements, provided the owner's lawyer prepares and certifies to the City, at the owner's expense, the collateral mortgage in a form satisfactory to the City Solicitor;
30. The borrower shall keep in good standing any taxes or rates levied against the tenant's interest in the property.
31. The Departmental charge shall be 1 1/2% of the loan or \$200, whichever is more, as an administration fee. This will become an eligible expense on the application.
32. Upon sale of a property which is secured by a collateral mortgage, the loan is due and payable in full to the City.
33. All loans become due and payable upon the sale, closing or moving of the borrower's business.

34. Grants to Tenants

The provisions of By-law No. 98-103 on grants to the owners of lands shall apply to grants to the tenants of property located in the Barton Village Community Improvement Plan Area with the necessary changes, except as amended by this section.

35. Grant amounts shall not exceed the sum of \$5,000, in respect of the cost of eligible improvements to each separate location of the tenant under lease from the owner. If the tenant has more than one leasehold interest eligible for this program, the tenant may receive only a maximum of \$15,000 in loans under the program.



REMOVE OLD & MAKE NEW
FOR NEW WINDOWS

EAST ELEVATION CHILTON PLACE

PLEASE QUOTE! INTERIOR WALLS WITH
1/2" MIN. 2" VERT. 1/2" VERT. 1/2" VERT.
SHEATHING FINISH.

VERTICAL HORIZONTAL PAINTED
2" MIN VERTICAL & HORIZONTAL STEEL
PIPE WITH 1/2" VERTICAL RODS @ 9" OS.
AND VERTICAL STEEL TIE. WOOD JOISTS
TO A 1/2" MIN. HATCH SET IN CONCRETE.

REPAIR FRONT DOOR.
REPAIR KITCHEN AS REQ'D TO MAKE
NEW PAINT FINISH / HINGES / LEVER
LATCH SET CLEAN LOOK / HANDMADE TO
STANDARD CRAFTSMANSHIP.

NOTE: REPAIR FRONT ELEVATION
PAINT THROUGHOUT WITH
INDICATED BY ARCHITECT.

DESCRIPTION

REVISIONS

THE CONTRACTOR SHALL
VERIFY ALL DIMENSIONS.
ALL ERRORS AND OMISSIONS
ARCHITECT. DO NOT SCALE
DRAWINGS. THIS DRAWING
USED FOR CONSTRUCTION
UNTIL SIGNED BY THE ARCHITECT.

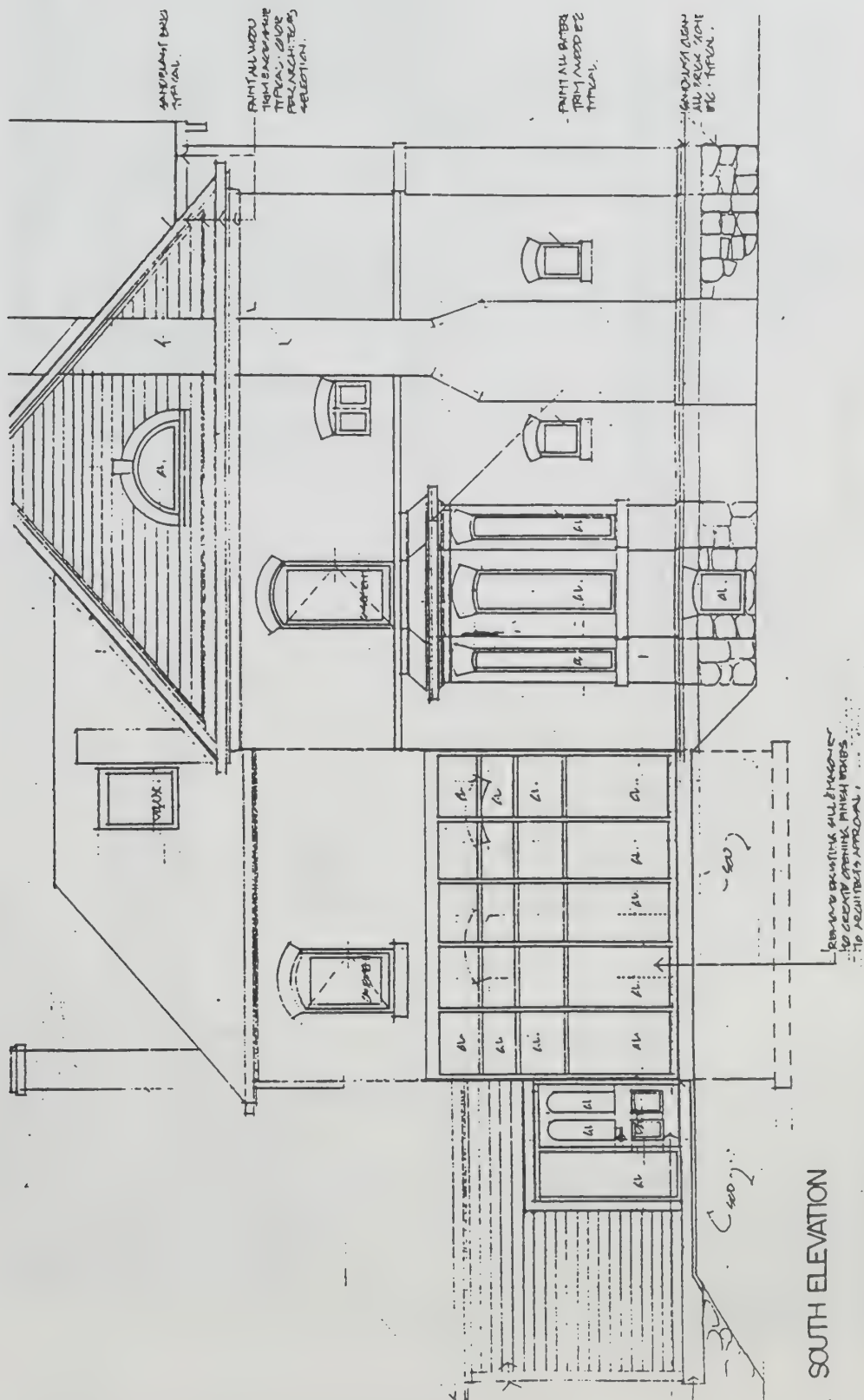
**BRUCE
BERGLUND
ARCHITECT**

DRN. CHKD. DATE SCALE
JUNE 1/4"=1'

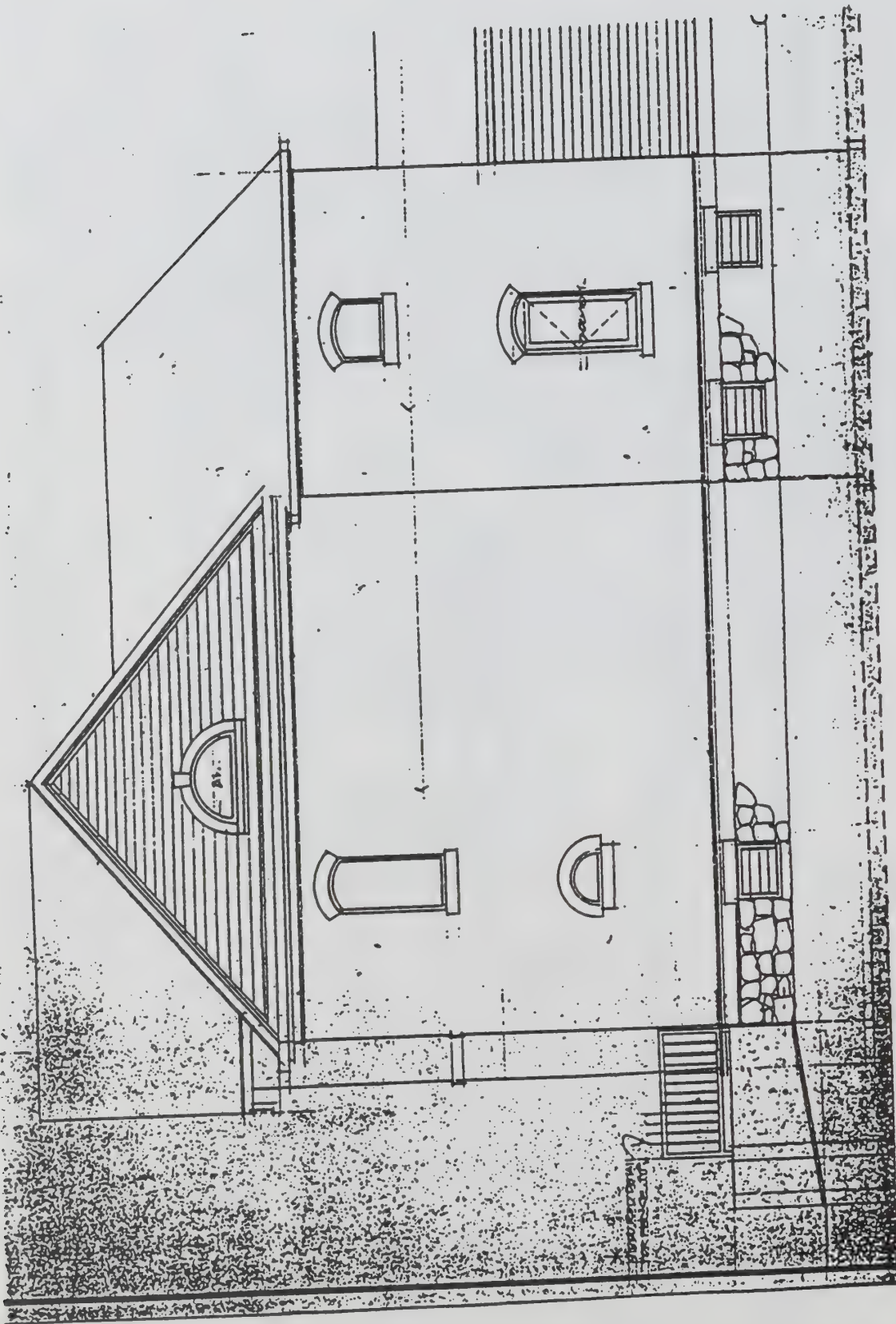
BRETZLER RESIDENCE -
PROJECT

ELEVATIONS
DRAWINGS

1 JUL 16 1998

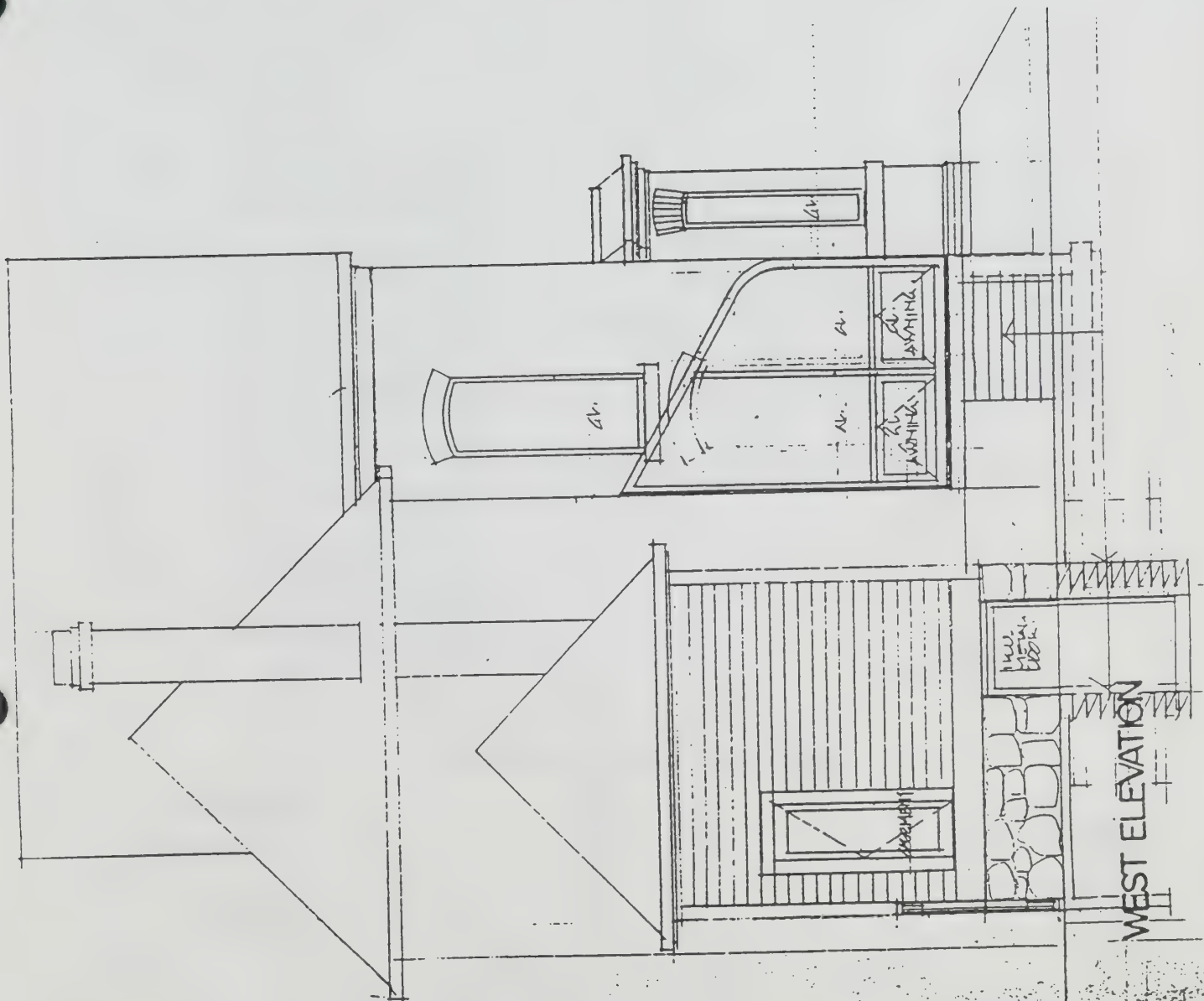


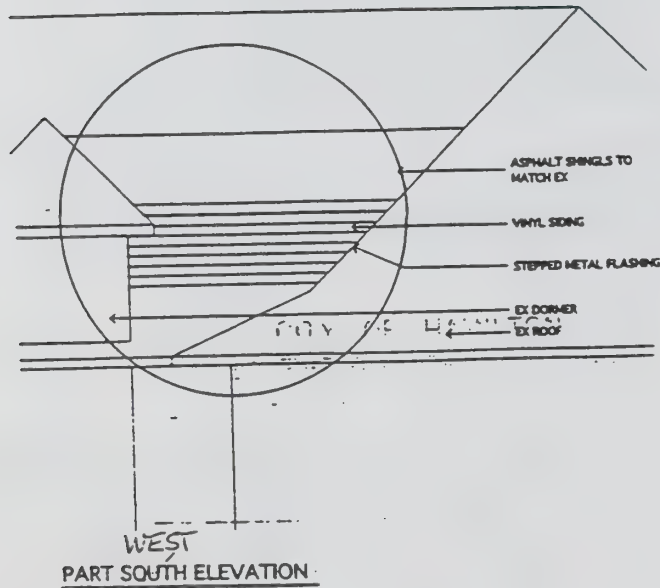
1998 August 5



NORTH ELEVATION

1998 August 5





McCALLUM SATHER
ARCHITECTS INC.

Hamilton, Ontario 905 526 6700

PROJECT NAME

HAMILTON REGIONAL
INDIAN CENTRE
RENOVATIONS TO;
712 MAIN STREET EAST
HAMILTON, ONTARIO

DRAWING TITLE

SECOND FLOOR PLAN
PART SECTION

DRAWN BY

MA

DATE

MAY 1998

CHECKED BY

GS

SCALE

1/8"=1'-0"

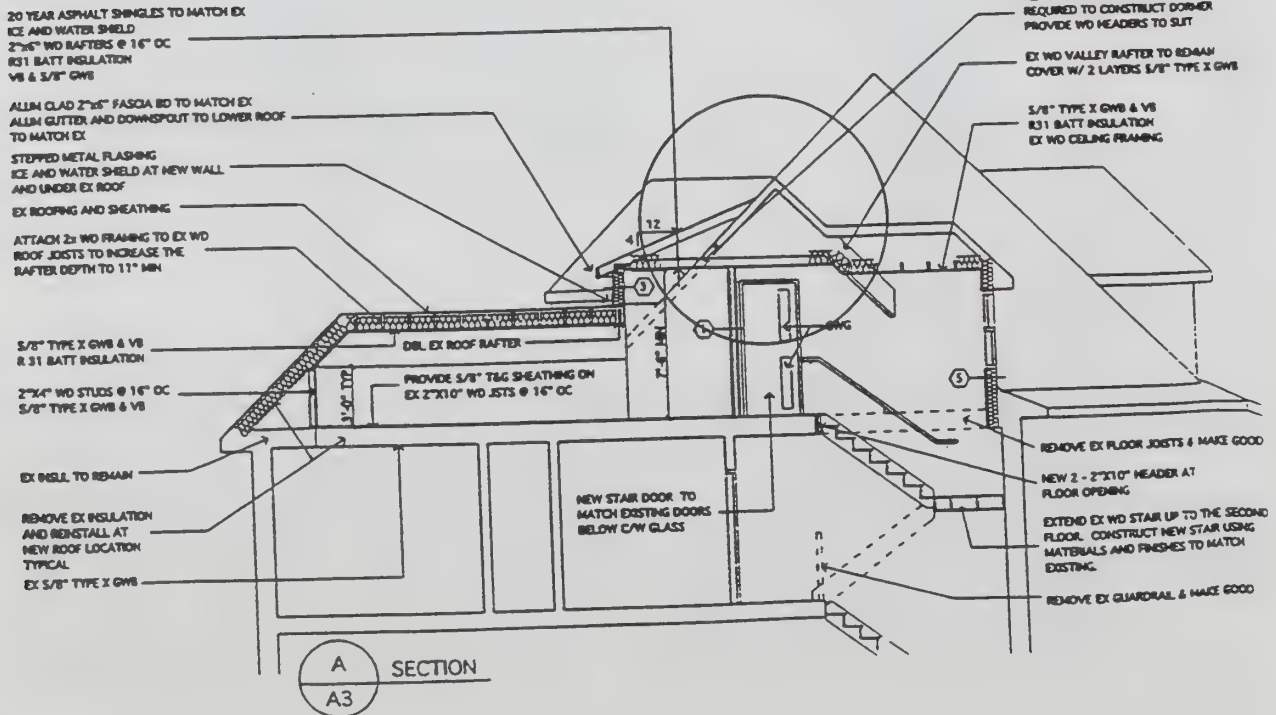
PROJECT NO.

98-07

DRAWING NO.

A3

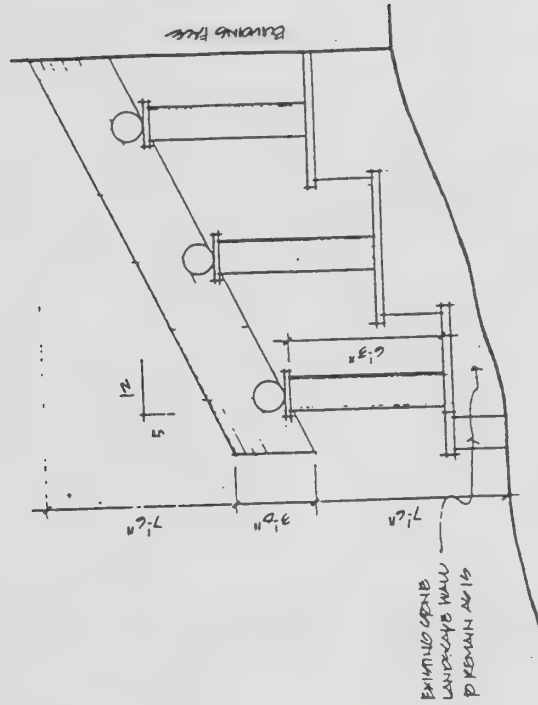
AREAS TO BE ALTERED ARE CIRCLED



EAST/WEST CROSS SECTION

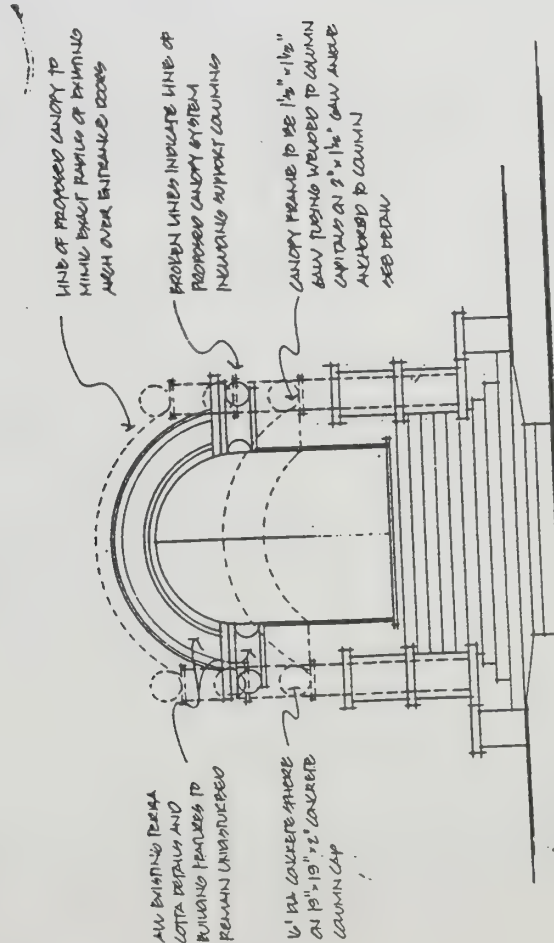
1998 August 5

Appendix "L" referred to in Section 8 of the
FOURTEENTH Report of the Planning and
 Development Committee for 1998



SIDE ELEVATION

SCALE 1/4" = 1'-0"



FRONT ELEVATION

SCALE 1/4" = 1'-0"

Minutes of Committee of the Whole\Hamilton City Council
Wednesday, August 12, 1998
12:40 o'clock p.m.
Hamilton Convention Centre

The Council met:

There were present: Mayor R. M. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli, D. Wilson, C. Collins, F. Eisenberger, B. Charters, T. Anderson, B. Kelly, D. O'Sullivan

Absent: Alderman T. Jackson - Vacation
Alderman D. Haining - Civic Business
Alderman G. Copps - Civic Business
Alderman F. D'Amico - Vacation

Mayor R. M. Morrow called the meeting to order.

It was moved by Alderman M. Kiss and seconded by Alderman M. Caplan that the Report of the Committee of the Whole be considered in Committee of the Whole with Mayor R. Morrow in the chair.

Recorded vote.

YEAS: Mayor R. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli, D. Wilson, C. Collins, F. Eisenberger, T. Anderson, B. Charters, B. Kelly, D. O'Sullivan. -13.

NAYS: -0.

CARRIED.

COMMITTEE OF THE WHOLE - NINETEENTH REPORT

1998 Tax Levy
Tax Levy Notices
Hamilton Place Theatre - Naming Sponsorship
Appoint Chairman of the Committee of the Whole
Amalgamated Structure Chart
Position of Joint CAO - Title
Hall of Fame - Tenant Improvements
Bills

It was moved by Alderman M. Kiss and seconded by Alderman M. Caplan that Alderman F. Eisenberger be appointed Acting Mayor for the month of September, 1998. **CARRIED.**

1998 August 12

It was moved by Alderman M. Kiss and seconded by Alderman M. Caplan that the Report of the Committee of the Whole be adopted.

Recorded vote.

YEAS: Mayor R. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli, D. Wilson, C. Collins, F. Eisenberger, T. Anderson, B. Charters, B. Kelly, D. O'Sullivan. -13

NAYS: -0.

CARRIED

* * * * *

City Council then adjourned at 12:45 o'clock p.m.

* * * * *

Taken as read and approved.

MAYOR R. M. MORROW

**J. J. Schatz,
City Clerk
1998 August 12
/dg**

REPORT OF THE COMMITTEE OF THE WHOLE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Committee of the Whole presents its **NINETEENTH** Report for 1998 and respectfully recommends:

1. (a) That the by-law to fix the rates of taxation for Municipal, Regional, Education, Business Improvement Area purposes and the total rates of taxation for the year 1998, be approved; and,

(b) That Staff be directed to proceed with amendments to the City's Monthly Automatic Payment Plan in order to allow for modification of monthly withdrawal amounts over the period up to 1999 May in keeping with the proposal contained within the report from the City Treasurer to the Committee of the Whole dated 1998 August 12 respecting 1998 Final Tax Levy By-law, and that any necessary by-law amendments to enact such changes be presented to Council for adoption at the 1998 September 8 Council meeting; and,

(c) That the 1998 Revenue and Expenditures estimates approved by Council 1998 July 9 be amended to \$168,464,240 to reflect the adjustments as described in the Treasurer's report dated August 12.
2. That the City of Hamilton commit to work with the Region to produce a single accompanying document to the upcoming tax bill outlining concerns of both the City and Region respecting provincial downloading, etc.
3. That Alderman D. O'Sullivan be appointed Chairman of the Committee of the Whole for a three month period commencing September.
4. (a) That City Council approve naming sponsorship of Hamilton Place Theatre by the Ron Joyce Foundation in accordance with the terms and conditions set out in Appendix "A"; and,

(b) That the said Terms and Conditions be incorporated into a formal agreement satisfactory to the City Solicitor, the City Treasurer and the HECFI CEO; and,

(c) That the Mayor and City Clerk be authorized to execute said Agreement; and,

(d) That HECFI be directed to facilitate the changes required to fulfil the terms of the Agreement.

5. That the City and Region amalgamated structure attached hereto as Appendix "B", be approved.
6.
 - (a) That the position of joint CAO for the City and the Region be titled City Manager; and,
 - (b) That the City Manager be placed on the payroll of the City of Hamilton; and,
 - (c) That the Joint Selection Committee determine the feasibility of a jointly owned Management Corporation as the employer of employees within the merged administration.
7.
 - (a) That in advance of City Council approving the lease terms and conditions, authorization be given to allow Ontario University Athletics, a prospective tenant for the Hall of Fame building, to commence construction of its tenant improvements; and,
 - (b) That all construction be approved by the Manager of Building Operations and Maintenance Division of the Culture and Recreation Department; and,
 - (c) That Ontario University Athletics provide proof of commercial general insurance in the amount of \$2,000,000 prior to commencing any work.
8. That the following bills be adopted, signed, sealed and enrolled as By-laws:
 - (a) E-14: A By-law to Levy Taxes for the Year 1998.
 - (b) E-15 A By-law to Appoint a Chief Administrative Officer/City Manager for the Corporation of the City of Hamilton.
 - (c) E-16 A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

RESPECTFULLY SUBMITTED

MAYOR R. M. MORROW, CHAIRMAN
COMMITTEE OF THE WHOLE

J. J. Schatz, Secretary
1998 August 12
/dg

1998 August 12
The Ron Joyce Foundation

520 - 9300 Airport Road
Mt. Hope, ON L0R 1N0
(905) 679-2400

Appendix "A" as
referred to in Section
4 of the NINETEENTH
Report of the COMMITTEE
OF THE WHOLE for 1998.

August 11, 1998

Mayor Robert Morrow
The Corporation of the City of Hamilton
71 Main Street, West
Hamilton, Ontario
L8P 4Y5

Dear Mayor Morrow:

Re: Ronald V. Joyce Centre for the Performing Arts

On behalf of the board of Trustees of the Ron Joyce Foundation (the "Foundation"), I am pleased to inform you that the Foundation has approved a donation to the Corporation of The City of Hamilton ("The City") in the amount of \$5,000,000 payable as follows: \$1,200,000 on or before October 1st, 1998 and thereafter the sum of \$200,000 annually on or before October 1st of each year until and including the year 2017.

A condition of this donation is that (the "City") agree to change the name of Hamilton Place Theater to "The Ronald V. Joyce Centre for the Performing Arts at Hamilton Place" (the "Centre") on or before December 31st, 1998.

The City agrees not to further change the name of the Centre until after the year 2017, or until such time as the Foundation is unable for whatever reason to continue to make the annual donation as provided above, whichever is earlier.

It is understood and agreed and it is a further condition of this donation that the City, a registered Canadian Charity and therefore the recipient of the donation, acknowledge that all monies donated will be designated wholly and strictly for the maintenance of and/or for improvements to the Centre. The Foundation will require an official tax receipt for each donation issued by the Registered Canadian Charity, including its charitable registration number.

The Trustees are very interested in monitoring the charities to which the Foundation contributes and, accordingly, require audited financial statements of the Centre to be submitted annually to the Trustees not later than six months after the Centre's fiscal year end.

1998 August 12

If the City is agreeable with these terms, please indicate by signing below and return a signed copy to the attention of the undersigned.

Yours very truly,



Ronald V. Joyce

Trustee.

The Corporation of the City of Hamilton agrees to be bound by the terms and conditions set out herein.

Per: _____

Name:

Title:

Per: _____

Name:

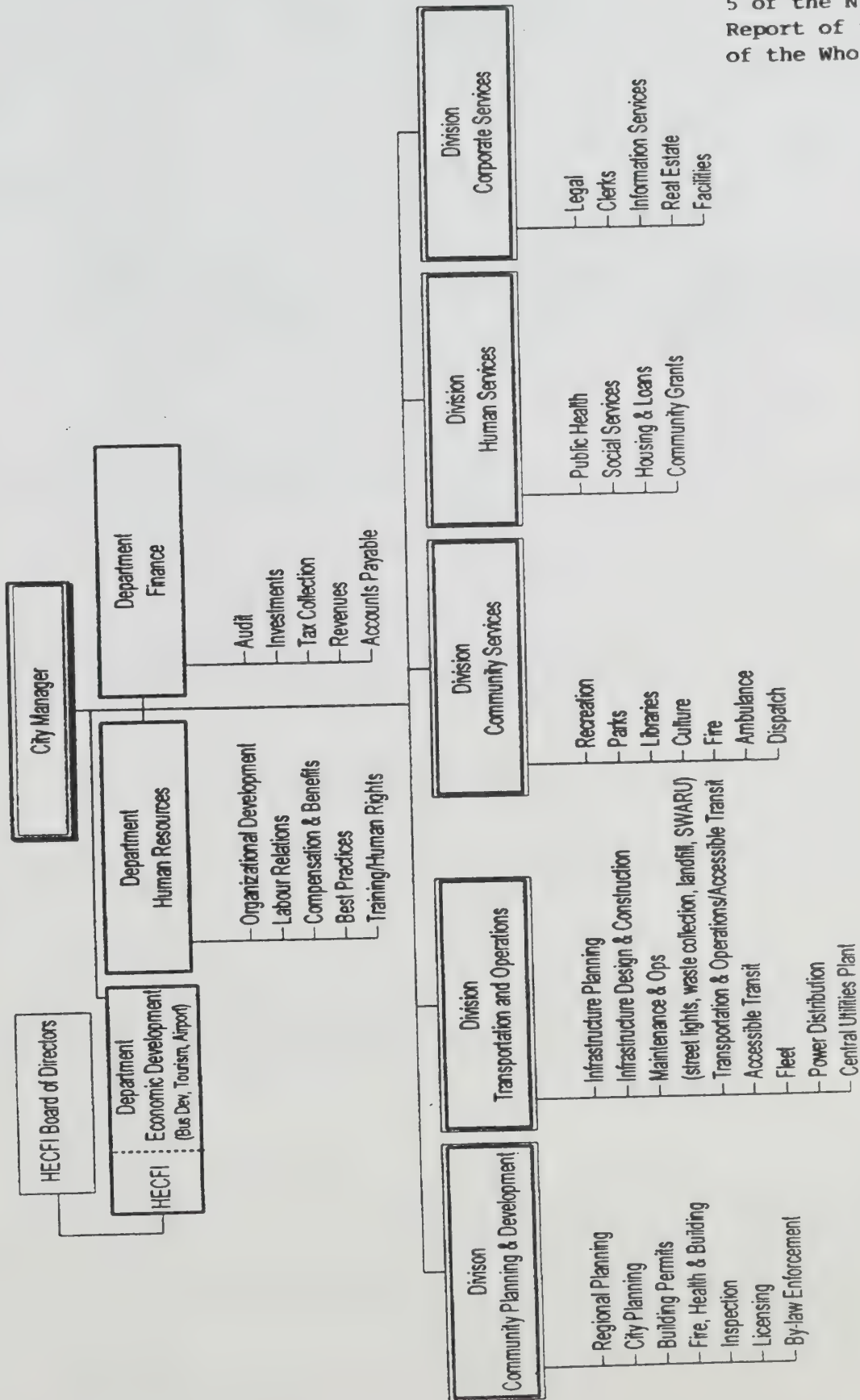
Title:

I/We have the authority to bond the Corporation

/lh
RonJoyce/Hamiltonplace

Cc: Trustees of the Ron Joyce Foundation

Amalgamated Structure



Appendix "B" as referred to in Section 5 of the NINETEENTH Report of the Committee of the Whole for 1998.

1998 September 8

Minutes of Hamilton City Council
Tuesday, 1998 September 8
11:00 o'clock a.m.
Convention Centre

The Council met:

Present: Mayor R. M. Morrow.
Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Jackson, B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan.

Mayor R. M. Morrow called the meeting to order.

<p>CORRESPONDENCE</p>

1. Letter dated 1998 July 13 from the Regional Municipality of Hamilton-Wentworth, respecting the 1998 Budget Review resolution adopted by Regional Council on 1998 July 9.

Referred to Finance and Administration Committee.

2. Information Report dated 1998 August 11 from City Clerk re Appeal to Zoning By-law 98-205, land east of West Fifth and north of Stonechurch Road West.

Received.

3. Application dated 1998 July 15 from George Lima, 1173 Cryphon News, Mississauga, Ontario, for removal of the "H" Holding Provision at 18 Homewood Avenue, Hamilton, Ontario.

Received.

4. Application dated 1998 July 16 from Paletta International Corporation, 4480 Paletta Court, Burlington, Ontario, for a change in zoning from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "G-1" (Designed Shopping Centre) District for 1605 Upper Sherman Avenue, Hamilton, Ontario.

Received.

5. Application dated 1998 August 14 from Sisters of Social Service, 88 Fennell Avenue West, Hamilton, Ontario, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-30" (Street-Townhouse) District (Block "1"); "D" (Urban Protected Residential - One and Two Family, etc.) District, modified (Block "2"); "DE-2" (Multiple Dwellings District, modified (Block "3") and "RT-20" (Townhouse-Maisonette) District, modified (Block "4") to permit the development of an "adult lifestyle" community for lands located north of Fennell Avenue West and east of West 5th; and, Subdivision Application dated 1998 August 14 from Sisters of Social Service, 88 Fennell Avenue West, Hamilton, Ontario, "Auchmar Village" to permit the development of the subject lands for 8 lots for semi-detached dwellings, 8 blocks for street townhouse units, 1 block for condominium townhouse units, 1 block for 4 storey apartment building and to establish one street shown as Street "A".

Received.

6. Application dated 1998 August 26 from 1242324 Ontario Inc., 336 Shaver Road, R.R.#1, Jerseyville, Ontario, for a modification to the "H" (Community Shopping and Commercial, etc.) District (Block "1") and "G-1" (Designed Shopping Centre) District (Block "2") for lands at 330 and 342 Dundurn St. S., Hamilton, Ontario.

Received.

7. Letter dated 1998 September 4 from James Aber, Vice President, Sales, Cantel, respecting cellular phone services.

Received.

It was moved by Alderman Kiss and seconded by Alderman Caplan that Council move into Committee of the Whole to consider agenda items. The Council then went into Committee of the Whole on the recommendations with Mayor Morrow in the chair.

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan. -16.

NAYS: -0.

CARRIED.

It was moved by Alderman Kiss and seconded by Alderman Caplan that Rule No. 9 of the Procedural By-law be invoked for this meeting of City Council in order to permit consideration of matters not reported upon by the respective Committees. **CARRIED.**

* * * * *

Recommendation No. 27 Re: Opera Hamilton - Parking Tickets

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, A. Horwath, R. Corsini, B. Morelli, D. Haining, D. Wilson, C. Collins, F. Eisenberger, T. Jackson, B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan. -15.

NAYS: Alderman Copps. -1. **CARRIED.**

* * * * *

Recommendation No. 42 Re: Alcohol in Parks - Turner Park

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan. -16.

NAYS: Alderman T. Jackson. -1. **CARRIED.**

* * * * *

Recommendation No. 46 Re: Proposed Discovery Centre

It was moved by Alderman Caplan and seconded by Alderman Kiss that Recommendation No. 46, respecting the proposed Discovery Centre, be referred to the Parks and Recreation Committee for further review, requesting the Conservation Authority to reconsider and reassess their criteria. **CARRIED.**

* * * * *

Recommendation No. 48(b) Re: Hamilton Airport

It was moved by Alderman Copps and seconded by Alderman D'Amico that Recommendation No. 48 be amended by adding the words "including the areas below the escarpment" to Sub-section (b) following the words "City of Hamilton".

"(b) That the City of Hamilton requests that the portions of the Master Plan addressing the expansion of Runway 06-24 be deferred until such time as the anticipated noise impacts in the City of Hamilton including the areas below the escarpment from this expansion are addressed to Council's satisfaction."

CARRIED.

* * * * *

Recommendation No. 53 Re: Demolition Permit for 342 Dundurn Street South

It was moved by Alderman Kiss and seconded by Alderman Caplan that Recommendation No. 53, respecting demolition at 342 Dundurn St. S., be referred to the Planning and Development Committee.

CARRIED.

* * * * *

Recommendation No. 64 Re: Development Charges for 1610 Upper Sherman Avenue

It was moved by Alderman Horwath and seconded by Alderman Morelli that Recommendation No. 64, respecting Development Charges for property at 1610 Upper Sherman Avenue, be referred to the Finance and Administration Committee.

CARRIED.

* * * * *

Recommendation No. 65 Re: Land Dedication Fees at 181 John Street North

It was moved by Alderman Horwath and seconded by Alderman Corsini that Recommendation No. 65, respecting land dedication fees at 181 John St. N., be referred to the Finance and Administration Committee.

CARRIED.

* * * * *

Recommendation No. 71 Re: BIA's Request for Funding

It was moved by Alderman Caplan and seconded by Alderman Corsini that Recommendation No. 71, respecting BIA's request for funding, be referred to the Finance and Administration Committee.

CARRIED.

1998 September 8

* * * * *

Recommendation No. 84 Re: Settlement of Claim Action #3583A/93

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, D. Haining, D. Wilson, C. Collins, F. Eisenberger, T. Jackson, B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan. -15.

NAYS: Alderman G. Copps. -1.

CARRIED.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the recommendations, be adopted.

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Jackson, B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan. -16.

NAYS: -0.

CARRIED.

* * * * *

City Council adjourned at 2:10 o'clock p.m.

* * * * *

Taken as read and approved.

MAYOR R. M. MORROW

J. J. Schatz
City Clerk
1998 September 8

Minutes of Committee of the Whole\City Council
Wednesday, 1998 September 16
9:30 o'clock a.m.
Convention Centre

The Council met:

Present: Mayor R. M. Morrow, Chairman.
Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli,
D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Jackson,
B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan.

Mayor Morrow called the meeting to order.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole respecting the appointment of General Managers for the Amalgamated Structure for the City/Region be now considered in Committee of the Whole. The Council then went into Committee of the Whole, with Mayor Morrow in the Chair.

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath,
R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins,
F. Eisenberger, T. Jackson, B. Charters, T. Anderson, B. Kelly, F. D'Amico,
D. O'Sullivan. -17.

NAYS: -0.

CARRIED.

* * * * *

COMMITTEE OF THE WHOLE - TWENTIETH REPORT
Appointment of General Managers

Section 4 Re: Split of Transportation and Operations Division

Recorded Vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins, T. Jackson, B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan. -13.

NAYS: Aldermen M. Caplan A. Horwath, R. Corsini, F. Eisenberger. -4.

CARRIED.

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole respecting the appointment of General Managers for the Amalgamated Structure for the City/Region, be adopted.

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Jackson, B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan. -17.

NAYS: -0.

CARRIED.

City Council then adjourned at 12:08 o'clock p.m.

Taken as read and approved.

MAYOR R. M. MORROW

J. J. Schatz
1998 September 16
JJS/bc

REPORT OF THE COMMITTEE OF THE WHOLE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Committee of the Whole presents its **TWENTIETH** Report for 1998 and respectfully recommends:

1. That Mr. John Johnston be appointed to the position of General Manager-Human Resources for the Amalgamated Structure for the City/Region, and that the City Manager be authorized to negotiate a contract of employment with Mr. John Johnston.
2. That Mr. Michael Schuster be appointed to the position of General Manager-Human Services for the Amalgamated Structure for the City/Region, and that the City Manager be authorized and directed to negotiate a contract of employment with Mr. Michael Schuster.
3. That Mr. Ross Fair be appointed to the position of General Manager-Community Services for the Amalgamated Structure for the City/Region, and that the City Manager be authorized and directed to negotiate a contract of employment with Mr. Ross Fair.
4. (a) That the City and Region Amalgamated Structure for the combined administration as approved by City Council with the adoption of Section 5 of the Nineteenth Report of the Committee of the Whole on August 12, 1998, be amended to provide for a split of the Public Works functions from the Transportation and Operations Division, and that the City Manager develop a revised organizational structure to reflect same; and
(b) That the positions of General Manager for the two (2) new divisions be posted for internal applicants only.

Recorded Vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins, T. Jackson, B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan. -13.

NAYS: Aldermen M. Caplan, A. Horwath, R. Corsini, F. Eisenberger. -4.

CARRIED.

5. That the following Bill be adopted, signed, sealed and enrolled as a By-law:

E-17 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

RESPECTFULLY SUBMITTED

**MAYOR R. M. MORROW
CHAIRMAN
COMMITTEE OF THE WHOLE**

J. J. Schatz, Secretary
1998 September 16

REPORTS

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Transport and Environment Committee presents its **TENTH** Report for 1998 and respectfully recommends:

1. That the existing "No Stopping" regulation on the east side of McIntosh Avenue commencing at Stone Church Road West and extending to a point 45 feet southerly therefrom be extended an additional 49 feet southerly, and that the City Traffic By-law No. 89-72 be amended accordingly.
2.
 - (a) That a "Permit Parking" regulation be implemented on the south side of Clinton Street commencing at a point 137 feet east of Barnesdale Avenue North and extending to a point 19 feet easterly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mrs. Katherine Charles, No. 78 Clinton Street.
3.
 - (a) That a "Permit Parking" regulation be implemented on the east side of Cope Street commencing at a point 69 feet south of Newlands Avenue and extending to a point 16 feet southerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mrs. Shirley Warring, No. 280 Cope Street.
4.
 - (a) That a "Permit Parking" regulation be implemented on the north side of Gertrude Street commencing at a point 4 feet west of the extended west curb line of Rowanwood Street and extending to a point 19 feet westerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. Nicholas Laufman, No. 93 Gertrude Street.

5. That the existing "No Parking" regulation on the north side of King William Street, commencing 78 feet east of James Street North and extending to a point 60 feet easterly therefrom, be removed, and that the City Traffic By-law No. 89-72 be amended accordingly.
6.
 - (a) That the existing "No Parking" regulation on the south side of Limeridge Road East between West 5th Street and Hawkridge Avenue be removed; and,
 - (b) That the existing "No Stopping" regulation on the south side of Limeridge Road East, commencing at West 5th Street and extending to a point 214 feet easterly therefrom be revised such that the regulation commences at West 5th Street and extends to a point 154 feet easterly therefrom; and,
 - (c) That the City Traffic By-law No. 89-72 be amended accordingly.
7. That the existing "Alternate Side Parking" regulation on Cheever Street between Burton Street and the T. H. & B. Railway Tracks be replaced with a full time parking prohibition on the east side and unrestricted parking on the west side of this street, and that the City Traffic By-law No. 89-72 be amended accordingly.
8. That a "Permit Parking" regulation be implemented on the west side of Belview Avenue commencing at a point 26 feet south of Cannon Street East and extending to a point 18 feet southerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly.
9. That the existing "Permit Parking" regulation on the east side of John Street North commencing at a point 25 feet north of Strachan Street East and extending to a point 33 feet northerly therefrom be removed, and that the City Traffic By-law No. 89-72 be amended accordingly.
10.
 - (a) That northbound traffic on Artistic Boulevard be required to stop for eastbound and westbound traffic on Paris Avenue; and
 - (b) That southbound traffic on Artistic Boulevard be required to stop for eastbound and westbound traffic on Embassy Drive; and

- (c) That the City Traffic By-law No. 89-72 be amended accordingly.
11. (a) That the Quinndale Neighbourhood be designated as a Neighbourhood Watch Area; and,
- (b) That Neighbourhood Watch signs for the Quinndale Neighbourhood be erected and maintained by the Department of Public Works and Traffic, as long as this neighbourhood maintains an active Neighbourhood Watch Program as determined by the Regional Police Department; and,
- (c) That the necessary funds be charged to the Neighbourhood Watch Program, Account No. CH55301 75030.
12. (a) That the Macassa Neighbourhood be designated as a Neighbourhood Watch Area; and,
- (b) That Neighbourhood Watch signs for the Macassa Neighbourhood be erected and maintained by the Department of Public Works and Traffic, as long as this neighbourhood maintains an active Neighbourhood Watch Program as determined by the Regional Police Department; and,
- (c) That the necessary funds be charged to the Neighbourhood Watch Program, Account No. CH55301 75030.
13. That the application of 900 CHML Hometown Radio to erect a banner over Main Street West from 1998 December 7 to 1998 December 14, with the following message:

"Please Support the Christmas Tree of Hope - 900 CHML"

be approved.

14. (a) That the following City land be incorporated into the following streets:

Acadia Drive	Part 3	Plan 62R-10529
Crerar Drive	Block 16	Plan 62M-728
Elk Court	Block 14	Plan 62M-728
	Block 44	Plan 62M-848

- (b) That the By-laws to carry out the incorporation of the said land into the foregoing streets be prepared to the satisfaction of the City Solicitor and be enacted by Council; and,
 - (c) That the Commissioner of Transportation be authorized and directed to register the By-laws.
15. (a) That the submitted schedules of works be adopted for inclusion in the Subdivision Agreements with the Owners for the estimated costs of services in:

"Bow Valley Estates", Hamilton

City's Share \$ 3,972.33	Subdivider's Share \$135,949.41
--------------------------	---------------------------------

"Central Estates", Hamilton

City's Share	NIL	Owner's Share \$ 73,154
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- (b) That the Mayor and City Clerk be authorized and directed to execute the proposed Subdivision Agreement with the Owners of Bow Valley Estates, Hamilton and Central Estates, Hamilton as well as and any other related documents for these Subdivisions subject to the approval of the City Solicitor; and,
- (c) That the approval of the above-noted clauses be subject to the condition that no work be commenced until the Final Plan and Subdivision Agreement have been registered; and,
- (d) In the event that the owner wishes to proceed prior to the registration of the Final Plan and Subdivision Agreement being registered the owner should be allowed to do so at their own risk provided that the owner enters into a standard agreement with the City of Hamilton for pre-servicing; and,
- (e) That the City's Share of \$4,145.04 for fencing adjacent to City owned lands in connection with the subdivision, Bar-Brock Estates - Phase 4 be approved.

16. That the applications to retain inadvertent encroachments at the locations as listed below, be approved during the pleasure of Council, provided:
- (a) That the owners enter into agreements satisfactory to the City Solicitor and Commissioner of Transportation to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and,
 - (b) That the Mayor and City Clerk be authorized to execute the City's standard form of agreement; and,
 - (c) That the first year fees and subsequent annual fees, as listed below, be set for the encroachments.

<u>Location and Municipal Address</u>	<u>Owner</u>	<u>Type of Encroachment</u>	<u>First Year/ Annual Fee</u>
Harrison Ave. (location) 19 Division St. (Municipal Address)	K. & M. Dawson	Chimney encroaching by 0.070 x 0.60m	\$185/20
25 Connaught Avenue North	A. Meek	Steps encroaching by 0.20m x 1.80m	\$185/20
341 Strathearne Avenue	Echo Renovations & J. Stone & J. Thomas	Porch and stairs encroaching by 4' x 2'	\$185/20

17. (a) That the construction of a concrete sidewalk on the east side of Main Street West along the frontage of No. 1895 Main Street West proceed as a local improvement on petition by the owners pursuant to Section 11 of The Local Improvement Act at an estimated gross cost of \$74,000 with a City's Share of \$38,259 be financed from the 1998 Capital Levy and an Owner's Share of \$35,741 be financed by the issuance of debentures for a term not to exceed 15 years as provided in the 1998 portion of the 1998 - 2007 Capital Budget; and,

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- (b) That the Commissioner of Public Works and Traffic be authorized and directed to prepare the necessary By-law in a form satisfactory to the City Solicitor; and,
- (c) That the Commissioner of Public Works and Traffic be authorized to construct these works once all the necessary approvals have been received.

18. That the following Bills be adopted, signed, sealed and enrolled as By-laws:

- (a) A-65 A By-law to Incorporate City Land Designated as Block 16 on Plan 62M-728 into Crerar Drive
- (b) A-66 A By-law to Incorporate City Land Designated as Part 3 on Plan 62R-10529 into Acadia Drive
- (c) A-67 A By-law to Incorporate City Land Designated as Block 14 on Plan 62M-728 and Block 44 on Plan 62M-848 into Elk Court
- (d) A-68 A By-law to Amend Traffic By-law No. 89-72 to Regulate Traffic
- (e) A-69 A By-law to Amend Traffic By-law No. 89-72 to Regulate Traffic

Respectfully Submitted,

**ALDERMAN CHAD COLLINS, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE**

**Kevin C. Christenson
Secretary**

1998 September 21

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Parks and Recreation Committee presents its **NINTH** Report for 1998 and respectfully recommends:

1. (a) That approval as required by Section 17 (1) and Section 26 of the Fireworks By-law No. 90-198 and Section 5 of Parks By-law No. 95-126 as amended, be given to the Director of Culture and Recreation to hold a fireworks display at Lake Avenue Baseball Park, 1998 October 16 as part of the Heritage Festival of Riverdale Community Council, subject to the Terms and Conditions of the Special Events Guidelines; and,

(b) That the Mayor and City Clerk be authorized to execute a Licence Agreement, satisfactory to the City Solicitor, with Cadillac Fairview, in connection with the fireworks display to be held by Riverdale Community Council as part of the New Year's Eve festivities.
2. (a) That approval as required by Parks By-law No. 95-126 as amended, Section 37, to bring animals into a park, be given to the City of Hamilton to bring reindeer into Gore Park during the 1998 Christmas Celebrations; and,

(b) That 900 CHML "Hometown Radio" be authorized to conduct on-site broadcasts from Gore Park during the November and December period as part of the "CHML Christmas Tree of Hope Campaign"; and,

(c) That the above items be subject to the Terms and Conditions of the Special Events Guidelines.
3. (a) That a two-sided plaque commemorating the historical significance of the Toronto, Hamilton and Buffalo Railway be approved; and,

(b) That the wording for the plaque attached hereto and marked as Appendix "A", be approved; and,

- (c) That the plaque be erected on City property at the northeast corner of Hunter and James Streets; and,
 - (d) That the cost of the two-sided plaque in the approximate amount of \$5,000-\$6,000 (including taxes) be paid for by the Head-of-the-Lake Historical Society.
- 4.
- (a) That City Council approve in principle a one year trial program to permit a leash free area on the City owned open space adjacent to the SPCA centre at 245 Dartnall Road, Hamilton; and,
 - (b) That staff in conjunction with the Task Force and Ward Aldermen hold a public Open House in the vicinity of the pilot project site; and,
 - (c) That a citizen's committee known as "P.A.L.Z." (People Advocating Leash Free Zones) be authorized to undertake promotion, site monitoring, upkeep and financing capital improvement at the leash free pilot project site; and,
 - (d) That the Task Force together with P.A.L.Z. be authorized to continue working with the SPCA to establish a potential source of revenue generation for development of leash free zones; and,
 - (e) That prior to undertaking site improvements, P.A.L.Z. be required to submit a funding strategy for consideration and approval of Committee; and,
 - (f) That the Task Force report back to Committee on the results of this trial project.
- 5.
- (a) That the scope of work for the approved 1998 Capital Budget Project CF4101 718753001 - Restoring Architectural Features - Historic Sites be amended to include provisions to complete Landscape Upgrades at Dundurn Castle as per preferred design plan from the Parks Division of the Department of Public Works and Traffic at an upset cost of \$55,000 and to remediate the Castle space formally occupied by the Aviary for productive use at an upset limit of \$10,000; and,
 - (b) That these works proceed immediately upon approval in order to complete resurfacing work prior to the winter season; and,

- (c) That the approved Capital Budget for these works be increased from \$40,000 to \$65,000 on the basis that an increase in the City Capital Budget is not required; and,
 - (d) That the Finance and Administration Committee be requested to identify a source of funding.
- 6.
 - (a) That Council endorse the actions of the Director of Culture and Recreation in authorizing emergency repair work on the chimney, Museum of Steam and Technology on the basis of safety and costs; and,
 - (b) That approval be given to increase the Purchase Order No. 35371 issued previously to 818185 Ontario Inc. O/A Robertson Restoration of Brantford, Ontario as the General Contractor by \$130,974 plus \$9,168 in applicable GST, to undertake the emergency repair work for the chimney in the Hamilton Museum of Steam and Technology; and,
 - (c) That the Purchase Order No. 34016 issued to Edwin Rowse Architect Inc. be increased by \$19,000 plus \$1,330 in applicable GST to reflect the additional fees due to the increase in the scope of work to complete the design, investigation and documentation of repair work; and,
 - (d) That staff be authorized to approach the Federal Government (the Cost Share funding partner) to contribute to the additional funding requirements; and,
 - (e) That the relevant contracts be amended by the City Solicitor to reflect the changes; and,
 - (f) That the Treasurer be requested to recommend a source of funding for the shortfall of \$109,974.
- 7.
 - (a) That for the purpose of compliance with O.Reg 151/90, the Commissioner of Public Works and Traffic be authorized to remove fill placed on City-owned lands adjacent to No. 359 Hixon Road at an estimated cost of \$21,000; and,
 - (b) That the Commissioner of Public Works and Traffic be directed to secure the municipality-owned lands to ensure further placement of fill does not occur in the future; and,

- (c) That a copy of this recommendation be forwarded to the H.R.C.A. for its consideration.
 - (d) That the Finance and Administration Committee be requested to identify a source of funding.
- 8.
- (a)
 - (i) That a 3 metre wide strip of property being part of No. 1149 and No. 1151 Beach Boulevard, be declared surplus to the requirements of the City of Hamilton in accordance with the Real Property Sales Procedural By-law No. 95-049; and,
 - (ii) That the Real Estate Division be authorized and directed to sell an easement on this property in accordance with the Real Property Sales Procedural By-law No. 95-049; and,
 - (b)
 - (i) That an Offer to Purchase (Easement) for the 3 metre wide strip of property being part of No. 1149 and No. 1151 Beach Boulevard for the price of \$2, to be executed by Trans-Northern Pipelines Inc., be accepted. The said 3 metre (10 foot) more or less, wide strip containing an area of 164.8 square metres (1,773.9 square feet) more or less, being more specifically described as Parts 2, 3 and 4 on Reference Plan Drawing No. 20-98-069-001 prepared by Marshall, Macklin, Monaghan Ontario Limited, said transaction scheduled to close on 1998 November 18. Funds derived from this sale be credited to Account No. CH4X501 00102 (Reserve for Property Purchases(Sales)); and,
 - (ii) That the City Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed pursuant to Section 193 of the Municipal Act incorporating the following:
 - (1) satisfactory notice has been given to the public of the intended sale; and,
 - (2) no appraisal of the fair market value of the real property intended to be sold has been obtained as easements granted to Public Utilities are exempt from appraisal requirements of Section 193 of the Municipal Act; and,
 - (iii) That the Mayor and City Clerk be authorized to execute any and all documents and/or notices required by applicable legislation in a form satisfactory to the City Solicitor; and,

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- (c) That an Authority to Enter noted as Schedule "C" to the Offer to Purchase (Easement) be approved, to permit entry by Trans-Northern Pipelines Inc. on the subject lands prior to the completion of the subject purchase.
- 9. That City Council request the Hamilton Region Conservation Authority to reconsider and amend their criteria for the location of the proposed "Giants Rib" Discovery Centre.

Respectfully Submitted,

**ALDERMAN B. MORELLI, CHAIRMAN
PARKS AND RECREATION COMMITTEE**

Kevin C. Christenson, Secretary

1998 September 21

THE TORONTO, HAMILTON & BUFFALO RAILWAY

Hamilton's second major rail carrier, the Toronto, Hamilton and Buffalo Railway, was conceived in response to the merger of the Great Western and Grand Trunk Railways, thus providing Hamilton with an alternative shipping system. Linking the Canadian Pacific line and the Michigan Central Railroad's Canadian trackage in the Niagara Peninsula, the TH&B began limited operation from its west Hamilton yard in May 1895. The first train arrived at the Hunter Street Station from Welland on December 30th of that year. Although not completed, by running out of downtown Hamilton before year's end, the railway was able to collect municipal financial incentives. Toronto to Buffalo service was finally achieved in May 1897. Initially a passenger carrier, it was not until 1899 with the completion of the Belt Line into industrial east-end Hamilton that the railway met its goal of financial stability through freight traffic.

The original station, a stone and brick structure complete with an ornate four-storey tower, was situated on the northeast corner of James and Hunter Streets. A tunnel under Hunter Street West cut through a prehistoric sandbar and hid the line's route through a prime residential neighbourhood. In contrast, the line was not concealed through the working-class Corktown district to the east where the railway's freight depot and sheds were also located.

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The first locomotive shop and roundhouse were situated immediately west of Garth (Dundurn) Street; these were later replaced by larger facilities in the Aberdeen Yard.

During the Depression, two major projects were undertaken, funded by the City, the Federal Government and the Railway. The first, a grade separation, addressed a longstanding complaint that the rail line disrupted traffic on the north-south city streets. The construction of underpasses remedied this problem; however, as a cost-saving measure, it was decided to close off some streets to through traffic. The elevation of the tracks necessitated the second project, the construction of a new terminal. To accommodate this, Hunter Street was jogged to the north between John and James Streets. Opened on June 26, 1933, the seven-storey Art Moderne structure was located to the immediate southeast of the original station.

Although its activities were limited to Southern Ontario, from its inception to the 1970s, the TH&B was predominantly owned by the Michigan and New York Central Railroads. Canadian Pacific, a minority shareholder from the beginning, finally acquired controlling interest in 1977. Thirteen years later, the TH&B faded into history when its rolling stock was repainted in Canadian Pacific's colours.

In July 1996 the former TH&B station, completely refurbished, began service as the Hamilton GO Centre.

This Plaque sponsored by the Head-of-the-Lake Historical Society

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **FIFTEENTH** Report for 1998 and respectfully recommends:

1. (a) That approval be given to Official Plan Amendment No. 153 to establish a Special Policy Area to permit limited commercial uses within the existing building, on lands known municipally as 27 Dundurn Street, as shown on the attached map marked as Appendix "A", and that the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth; and,
 - (b) That approval be given to amended Zoning Application ZAC-98-18, Hugh Macleod, owner, requesting a modification to the established "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to permit a sixty (60) seat live theatre, a twenty-four (24) seat restaurant, and one (1) residential dwelling unit within the existing building for lands, located at 27 Dundurn Street North, as shown on the attached map marked as Appendix "A", subject to the following conditions:
 - (i) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed zoning district. The holding provision will prohibit the development of the subject lands until:
 - (a) The applicant submits a signed Record of Site Condition (RSC) to the Region and Ministry of Environment and Energy (MOEE). This RSC must be to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the Ministry of Environment and Energy; and,
 - (b) The applicant/owner has applied for and received approval of a Site Plan Control Application from the City of Hamilton; and,
- City Council may remove the 'H' symbol, and thereby give effect to the "D" District modified provisions as stipulated in this By-law, by enactment of an amending By-law once these conditions are fulfilled; and,

- (ii) That the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District regulations, as contained in Section 10 of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variances as special provisions:
 - (a) That notwithstanding Section 10.(1), the following uses shall be permitted only within the building, existing on the day of passing of this By-law:
 - (i) a sixty (60) seat live theatre; and,
 - (ii) a twenty-four (24) seat "unlicensed" restaurant; and,
 - (iii) one (1) dwelling unit; and,
 - (iv) For each establishment a "business identification sign" that is a wall sign and/or window sign of an area of not more 2.5 square metres (26.91 square feet), no sign shall exceed 2.0 metres (6.0 feet) in height and every sign shall be so designed, installed and maintained as to ensure that the illumination is deflected away from all lands designated for residential uses; and,
 - (b) That notwithstanding Section 18A of Zoning By-law No. 6593, a minimum seven (7) parking spaces shall be provided and maintained; and,
 - (c) That notwithstanding Section 18A. (11) and (12) of Zoning By-law No. 6593, a planting strip not less than 1.5 m wide and a visual barrier not less than 1.8 m and not greater than 2.0 m in height shall be provided and maintained along the entire westerly lot line, except for the first 5.0 m from Hunt Street; and,
 - (d) That notwithstanding Section 18A. (11) and (12) of Zoning By-law No. 6593, a planting strip not less than 1.0 m wide and a visual barrier not less than 1.8 m and 2.0 m not greater than in height shall be provided and maintained along the easterly lot line from Hunt Street, except for the first 5.0 m from Hunt Street; and,
 - (e) That a landscape area not less than 6.0 m in depth shall be provided and maintained along Hunt Street, except for any area used for driveway access; and,
 - (f) Every lighting facility shall be so designed, installed and maintained as to ensure that the light is deflected away from all

lands designated for residential uses, and any lighting of signs shall similarly be so deflected; and,

- (iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S-1412, and the lands on Zoning District Map W-22 be notated S-1412; and,
- (iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-22 for presentation to City Council; and,
- (v) That the proposed modification in zoning is in conformity with the Official Plan for the City of Hamilton Planning Area upon approval of Official Plan Amendment No. 153 by the Regional Municipality of Hamilton-Wentworth.

- 2. (a) That approval be given to Official Plan Amendment No. 154, to establish a new Special Policy Area to permit a naturopathic clinic within the existing building, on lands known municipally as 537 Queenston Road (Block "2"), as shown on the attached map marked as Appendix "B", and that the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth; and,
- (b) That approval be given to Amended Zoning Application ZAC-98-27, Marco Ramelli and Mukesh Patel, owners, requesting a modification to the established "B-1" (Suburban Agricultural and Residential, etc.) District regulations, to permit a chiropractic office for property located at 535 Queenston Road (Block "1"), and a naturopathic office for property located at 537 Queenston Road (Block "2"), as shown on the attached map marked as Appendix "B", on the following basis:
 - (i) That the "B-1" (Suburban Agricultural and Residential, etc.) District regulations, as contained in Section 8A of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variances as special requirements:
 - (1) That notwithstanding Section 8A(1) of Zoning By-law No. 6593, the following uses shall be permitted:
 - (a) a medical office (chiropractic office) having a maximum gross floor area of 65 m² shall only be permitted on the ground floor of the existing building; and,
 - (b) a ground sign that shall not exceed 0.9 m in vertical dimension or 0.6 m² in area; and,

- (c) no sign shall be illuminated unless the source of light is steady and suitably shielded to contain illumination; and,
 - (2) Section 18A(14) of Zoning By-law No. 6593 shall not apply; and,
 - (3) Section 18A(26) of Zoning By-law No. 6593 shall not apply; and,
 - (4) That a landscape planting strip of not less than 3.0 m in width shall be provided and maintained along the southerly lot line, except any area used for vehicular access, only where an encroachment agreement for landscaping has not been entered into with the Region, for a minimum 3.0 m wide planting strip within the widened road allowance limits of Queenston Road; and,
 - (5) That a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the northerly lot line; and,
- (ii) That the "B-1" (Suburban Agricultural and Residential, etc.) District regulations, as contained in Section 8A of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variances as special requirements:
- (1) That notwithstanding Section 8A(1) of Zoning By-law No. 6593, the following uses shall be permitted:
 - (a) a medical office (naturopathic office) having a maximum gross floor area of 65 m² shall only be permitted on the ground floor of the existing building; and,
 - (b) a ground sign that shall not exceed 0.9 m in vertical dimension or 0.6 m² in area; and,
 - (c) no sign shall be illuminated unless the source of light is steady and suitably shielded to contain illumination; and,
 - (2) Section 18A(14) of Zoning By-law No. 6593 shall not apply; and,
 - (3) Section 18A(26) of Zoning By-law No. 6593 shall not apply; and,
 - (4) That a landscape planting strip of not less than 3.0 m in width shall be provided and maintained along the southerly lot line, except any area used for vehicular access, only where an encroachment agreement for landscaping has not been entered into with the

Region, for a minimum 3.0 m wide planting strip within the widened road allowance limits of Queenston Road; and,

- (5) That a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the easterly and northerly lot lines; and,
 - (iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593, as Section S-1413, and that the subject lands on Zoning District Map E-95 be notated S-1413; and,
 - (iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-95 for presentation to City Council; and,
 - (v) That the proposed change and modifications in zoning will be in conformity with the Official Plan for the City of Hamilton Planning Area upon approval of Official Plan Amendment No. 154 by the Regional Municipality of Hamilton-Wentworth; and,
 - (c) That Site Plan Control By-law No. 79-275, as amended by By-law No. 87-233, be amended by adding the subject lands to Schedule 'A'; and,
 - (d) That Planning Department staff be directed to undertake a Neighbourhood Plan review for the areas designated "Low Density Apartments" on the east and west side of Woodman Avenue North on the north side of Queenston Road (535 to 537 Queenston Road).
3. (a) That approval be given to City Initiative 98-D, for modifications to Zoning By-law No. 6593 for the properties on the west side (bay side) of Beach Boulevard, in the Beach neighbourhood, to regulate the floor elevations of new buildings and additions in the "C" (Urban Protected Residential) District, the "G" (Neighbourhood Shopping Centre) District, and the "H" (Community Shopping and Commercial, etc.) District provisions, as shown on the attached maps marked as Appendices "C", "D" and "E", on the following basis:
- (i) That the "C" (Urban Protected Residential) District, the "G" (Neighbourhood Shopping Centre) District, and the "H" (Community Shopping and Commercial, etc.) District provisions as contained in Sections 9, 13 and 14, respectively of Zoning By-law No. 6593, be modified to include the following variances as special requirements:
 - (1) that in addition to the provisions of the Zoning By-law, the minimum ground floor elevation of any building, except for

accessory structures or addition to buildings less than 14 m² in area, shall be 76.0 m above mean sea level, as defined by the Geodetic Survey Datum; and,

- (2) no basement or cellar shall be permitted for any building, except for accessory structures and any additions less than 14 m² in area; and,
 - (3) that any addition, less than 14 m² in area, shall have a minimum floor elevation at or above the existing floor elevation of the building; and,
 - (4) a lot grading agreement that conforms to an overall grading plan and approved by the Building Commissioner shall be entered into prior to the issuance of a building permit; and,
- (ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1414 and that the subject lands on Zoning District Maps E-80b, E-80c, E-80d, E-80e and E-80f be notated S-1414; and,
 - (iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-80b, E-80c, E-80d, E-80e and E-80f, for presentation to City Council; and,
 - (iv) That the proposed modifications in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and,
- (b) That Site Plan Control By-law No. 79-275, as amended by By-law No 87-223, be further amended by adding the lands located on the west side (bay side) of Beach Boulevard and the Director of Planning and Development be directed to prepare a By-law, to amend By-law 79-275, for presentation to City Council.

4. That approval be given to City Initiative 96-G to remove charity gaming clubs (charity casinos) and associated definitions as permitted uses in the Zoning By-law as follows:

- (a) That By-Law No. 97-73 be deleted its entirety; and,
- (b) That Section 4 - Prohibited Uses of Zoning By-law No. 6593 be amended by adding a new clause as follows:
 - "(7) The use of a Charity Casino (Charity Gaming Club) which means any premises or parts thereof, containing table games and/or video lottery terminal and/or slot machines or any other such game or

device approved by the Alcohol and Gaming Commission of Ontario is hereby prohibited."; and,

- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,
 - (d) That the proposed modifications in zoning are in conformity with the Official Plan for the Hamilton Planning Area.
- 5.
- (a) That the Building Commissioner be authorized to issue a demolition permit for 342 Dundurn Street South in accordance with By-law 74-290 pursuant to section 33 of The Planning Act, as amended; and,
 - (b) That the demolition permit be issued only after the site plan for 330 Dundurn Street South has been finalized.
- 6.
- (a) That the appropriate By-law be enacted to replace Property Standards By-Law 94-185.
 - (b) That By-Law 94-185 passed on 1994 November 8 in accordance with the Planning Act, R.S.O. 1990, Chapter P. 13, and its amendments be repealed.
- 7.
- (a) That a loan under the Downtown Convert/Renovate-to-Residential Loan Program in the amount of up to four hundred thousand dollars, (\$400,000) to DeSantis Group Inc., (Tony DeSantis) for conversion of 25 Hughson Street South into twenty five (25) residential units be approved, subject to the following:
 - (i) Fulfilment of the borrowing requirements of the Downtown Convert/Renovate-to-Residential Loan Program; and,
 - (ii) Exact amount of loan to be determined once unit sizes are finalized; and,
 - (iii) Approval by the Ministry of Municipal Affairs and Housing of an amended Downtown Community Improvement Plan; and,
 - (b) That Schedule "A" of By-law 97-140 be amended to replace the maximum of eight (8) units per deeded property with a maximum of \$500,000 per deeded property; and,
 - (c) That staff take the necessary steps under the Planning Act to amend the Downtown Community Improvement Plan and the By-law; and,

- (d) That the City Solicitor be authorized to prepare the necessary By-law; and,
 - (e) That a grant under the Core Heritage 2000 Program in the amount of \$75,000 to DeSantis Group Inc., (Tony DeSantis) for facade improvements be approved, subject to the applicant meeting the requirements of the Program that is currently pending approval by the Ministry of Municipal Affairs and Housing; and,
 - (f) That the loan approval be conditional on the applicant receiving a structural permit within three months of 1998 September 23, and a building permit within six months of 1998 September 23.
8. (a) That approval be granted to application CDM-CONV-98-004 (Regional File 25CDM-98006) submitted by Kendale (11-21) Inc., owner, for a draft plan of condominium for property located at No. 11 Kendale Court, as shown on the attached Plan marked as Appendix "F", to provide for a condominium comprised of 101 individual apartment condominium units, subject to the following conditions:
- (i) That this approval applies to the attached draft plan dated 1998 May 26 (Appendix "F") prepared by A.T. McLaren Limited; and,
 - (ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor; and,
 - (iii) That prior to approval of the final plan:
 - (1) property taxes shall be in good standing, and the plan of condominium shall conform with General Zoning By-law No. 6593 and the Official Plan, and,
 - (2) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593; and,
- (b) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.

9. (a) That approval be granted to application CDM-CONV-98-005 (Regional File 25CDM-98007) submitted by Kendale (11-21) Inc., owner, for a draft plan of condominium for property located at No. 21 Kendale Court, as shown on the attached Plan marked as Appendix "G", to provide for a condominium comprised of 101 individual apartment condominium units, subject to the following conditions:
- (i) That this approval applies to the attached draft plan dated 1998 May 26 (Appendix "G") prepared by A.T. McLaren Limited; and,
 - (ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor; and,
 - (iii) That prior to approval of the final plan:
 - (1) property taxes shall be in good standing, and the plan of condominium shall conform with General Zoning By-law No. 6593 and the Official Plan, and,
 - (2) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593; and,
- (b) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.
10. (a) That approval be granted to application CDM-CONV-98-006 (Regional File 25CDM-98008) submitted by George Sinclair Construction Inc., owner, for a draft plan of condominium for property located at No. 65 Mount Albion Road, as shown on the attached Plan marked as Appendix "H", to provide for a condominium comprised of 8 individual townhouse condominium units, subject to the following conditions:
- (i) That this approval applies to the attached draft plan dated 1998 June 15 (Appendix "H") prepared by A.T. McLaren Limited; and,
 - (ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights

and drainage, as the case may be, in a form satisfactory to the City Solicitor; and,

(iii) That prior to approval of the final plan:

- (1) property taxes shall be in good standing, and the plan of condominium shall conform with General Zoning By-law No. 6593 and the Official Plan, and,
- (2) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593; and,

(b) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.

11. (a) That approval be granted to application CDM-CONV-98-008 (Regional File 25CDM-98011) submitted by Christopher and Henrietta Rowe, owner, for a draft plan of condominium for property located at No. 1950 Main Street West, as shown on the attached Plan marked as Appendix "I", to provide for a condominium comprised of 88 individual apartment condominium units, subject to the following conditions:

- (i) That this approval applies to the attached draft plan dated 1998 June 26 (Appendix "I") prepared by A.T. McLaren Limited; and,
- (ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor; and,

(iii) That prior to approval of the final plan:

- (1) property taxes shall be in good standing, and the plan of condominium shall conform with General Zoning By-law No. 6593 and the Official Plan, and,
- (2) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law

6593. In particular, and not limited to, a successful application to the Committee of Adjustment is required to address the non-conforming parking situation; and,

- (b) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.

- 12. (a) That a secured loan in the amount of twenty-five thousand dollars (\$25,000) to T & R Auto Service Centre Inc., for improvements to 221 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.75 per cent, amortized over ten (10) years; and,
 - (b) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars (\$12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program; and,
 - (c) That an unsecured loan from the Barton Street Revitalization Fund in the amount of five thousand dollars (\$5,000) to T & R Auto Service Centre, for improvements to 221 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.75 per cent, amortized over a period less than seven (7) years; and,
 - (d) That a grant from the Barton Street Revitalization Fund in the amount of two thousand, five hundred dollars, (\$2,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Loan Program.
- 13. (a) That a secured loan in the amount of fifteen thousand, nine hundred dollars (\$15,900) to Alcino Duarte, for improvements to 415 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.75 per cent, amortized over ten (10) years; and,
 - (b) That a grant from the Barton Street Revitalization Fund in the amount of seven thousand, nine hundred and fifty dollars (\$7,950) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.
- 14. (a) That a secured loan in the amount of twenty-five thousand dollars (\$25,000) to Jose Antonio and Ana Maria Santos, for improvements to 419 Barton Street East, be approved subject to the fulfillment of the borrowing requirements of the

Commercial Property Improvement Loan Program. The interest rate is set at 3.25 per cent, amortized over ten (10) years; and,

- (b) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars (\$12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program; and,
 - (c) That an unsecured loan from the Barton Street Revitalization Fund in the amount of five thousand dollars (\$5,000) to Jose Antonio and Ana Maria Santos, for improvements to 419 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.25 per cent, amortized over a period less than seven (7) years; and,
 - (d) That a grant from the Barton Street Revitalization Fund in the amount of two thousand, five hundred dollars, (\$2,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Loan Program.
15. (a) That a secured loan in the amount of twenty-five thousand dollars (\$25,000) to 603818 Ontario Limited, for improvements to 524 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.75 per cent, amortized over ten (10) years; and,
- (b) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars (\$12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program; and,
 - (c) That an unsecured loan from the Barton Street Revitalization Fund in the amount of five thousand dollars (\$5,000) to 603818 Ontario Limited, for improvements to 524 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.75 per cent, amortized over a period less than seven (7) years; and,
 - (d) That a grant from the Barton Street Revitalization Fund in the amount of two thousand, five hundred dollars, (\$2,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Loan Program.
16. (a) That a secured loan in the amount of twenty-five thousand dollars (\$25,000) to Macrotop Investment Inc., for improvements to 579-581 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the

Commercial Property Improvement Loan Program. The interest rate is set at 3.75 per cent, amortized over ten (10) years; and,

- (b) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars (\$12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program; and,
 - (c) That an unsecured loan from the Barton Street Revitalization Fund in the amount of five thousand dollars (\$5,000) to Macrotop Investment Inc., for improvements to 579-581 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.75 per cent, amortized over a period less than seven (7) years; and,
 - (d) That a grant from the Barton Street Revitalization Fund in the amount of two thousand, five hundred dollars, (\$2,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Loan Program.
17. That a Hamilton Emergency Loan (H.E.L.P.) in the amount of two thousand dollars (\$2,000) be approved for Audrey Masi, 810 Beach Boulevard. The interest rate will be 2 per cent amortized over 5 years.
18. That the Building Commissioner be authorized to issue a demolition permit for 364 Osborne Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.
19. That Region of Hamilton-Wentworth and the Town of Flamborough be advised the City of Hamilton opposes the proposed Regional and Town of Flamborough Official Plan Amendments and the associated zoning by-law amendment, to permit the development of the lands at the south-east corner of Highways #5 and #6, for a "small power centre" containing 24,154 m² of retail commercial uses because of the impacts on the commercial areas, particularly the downtown core in Hamilton.
20. (a) That approval be given to application CDM-98-04 (Regional File 25CDM-98014), Eden Oak Hamilton Inc. (Romas Kartavicius), owner, to establish a draft plan of condominium, located at the southwest corner of Chedmac Drive and Rice Avenue and known municipally as 50 Rice Avenue, as shown on the attached map marked as Appendix "J", to provide for a condominium comprised of a total of 40 residential townhouse dwelling units ("The Renoir", Phase II.), subject to the following conditions:

- (i) That this approval apply to the attached draft plan (Appendix "J"), prepared by J.D. Barnes Ltd. and certified by S.J. Balaban, O.L.S., dated 1998 June 23 showing a total of 40 residential townhouse units; and,
 - (ii) That the Final Plan of Condominium be in conformity with the Site Plan approved on 1998 June 8 under application DA-98-14; and,
 - (iii) That the applicant satisfy all conditions of Site Plan Application DA-98-14 to the satisfaction of the City of Hamilton, prior to final approval of the Plan of Condominium; and,
 - (iv) That the following warning clause be registered on title for Units 1, 2, 19, 20, 21 and 22, to the satisfaction of the Director of Planning and Development and the City Solicitor:

"Purchasers and/or tenants are advised there is a Laundry facility located to the west of this property which services a number of hospitals"; and,
 - (v) That the following warning clause be registered on title for Units 21-40 inclusive, to the satisfaction of the Director of Planning and Development and the City Solicitor:

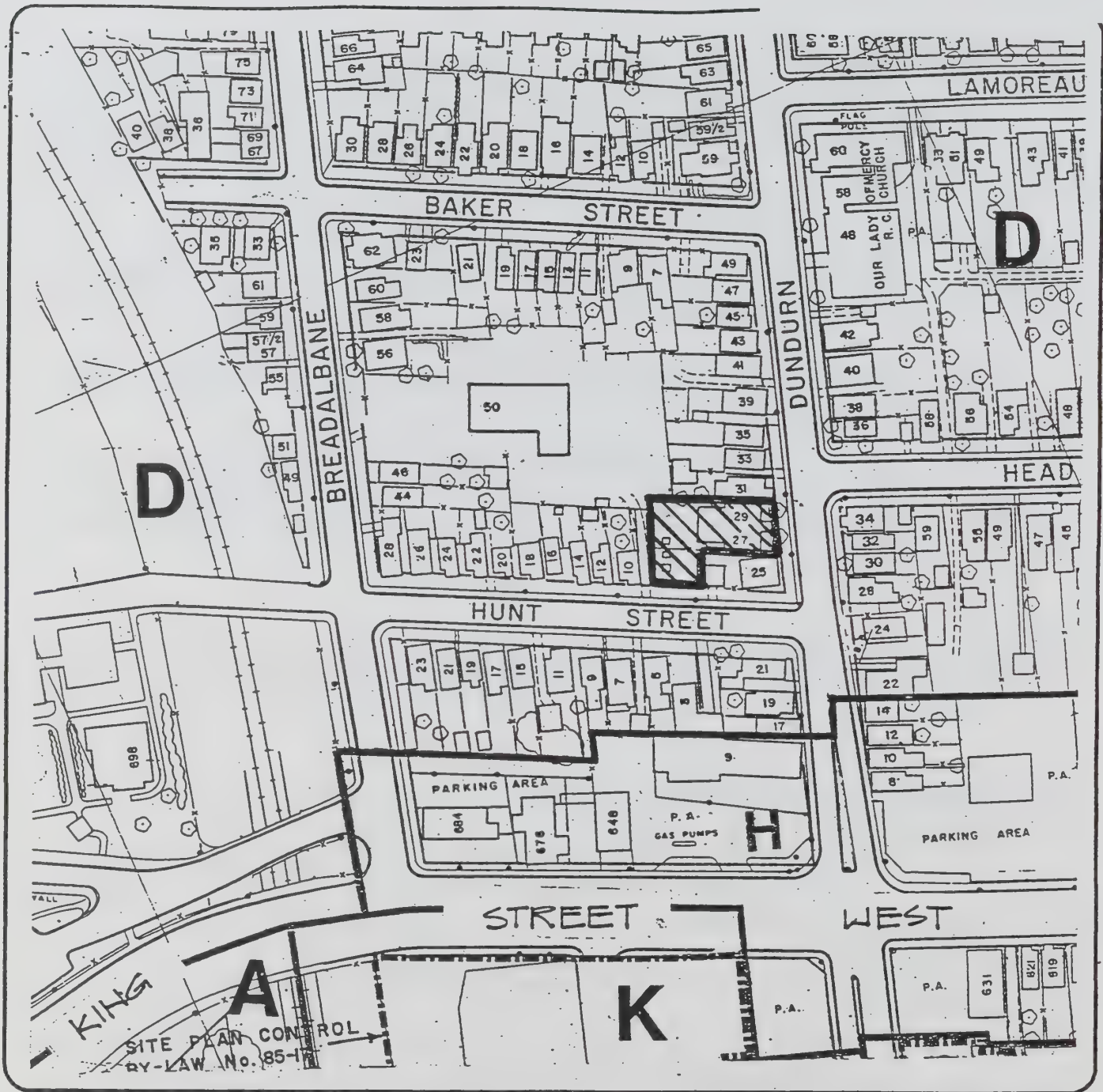
"This unit has been fitted with forced air heating with rough-in provisions made to accommodate central air conditioning at a later date (Note: air cooling condensing unit shall be located in a noise insensitive area)."; and,
 - (vi) That the applicant enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor; and,
 - (vii) That a clause be inserted on title and/or in the Condominium Agreement advising prospective purchasers of the proposed Chedmac Drive and Rice Avenue realignment; and,
 - (viii) That the owner satisfy all conditions, financial or otherwise, of the City of Hamilton; and,
- (b) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.

21. (a) That approval be given to Part Lot Control Application 98-06, Chedoke Health Corporation, owner, to remove part-lot control for Lots 2 to 21, inclusive, located in "Tiffany, Phase 2", Registered Plan 62M-850, to permit the creation of maintenance easements, as shown on the attached map marked as Appendix "K"; and,
- (b) That the appropriate By-law, to remove part lot control from Lots 2 to 21, inclusive Registered Plan 62M-850, "Tiffany, Phase 2" plan of subdivision, be enacted by Council; and,
- (c) That the exempting By-law be restricted to a 1 year effective time period to expire on 1999 October 1; and,
- (d) That following the enactment of this By-law, the Commissioner, Regional Environment Department (as delegate of the Minister of Municipal Affairs and Housing) be requested to grant approval to the By-law and endorse the same on the By-law.
22. That the total outstanding Community Heritage Loan for 107 George Street, in the amount of one thousand, one hundred and ninety-six dollars and eight cents (\$1,196.08), be placed on the tax rolls.
27. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
- (a) C-108 A By-law to Amend Zoning By-law No. 6593 and to Repeal Zoning By-law No. 70-42 Respecting Land Located at Municipal No. 649 Upper James Street.
- (b) C-109 A By-law to Consolidate the Property Standards By-law.
- (c) C-110 A By-law to Remove Land Within the "Tiffany, Phase 2" Subdivision, Plan 62M-850 from Part Lot Control.

Respectfully submitted,

**ALDERMAN F. D'AMICO, CHAIRMAN
PLANNING AND DEVELOPMENT
COMMITTEE**

**Tina Agnello, Secretary
1998 September 23**



Legend

Modification in Zoning:



"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District modified

City of Hamilton

Location Map

Planning and Development Department

North

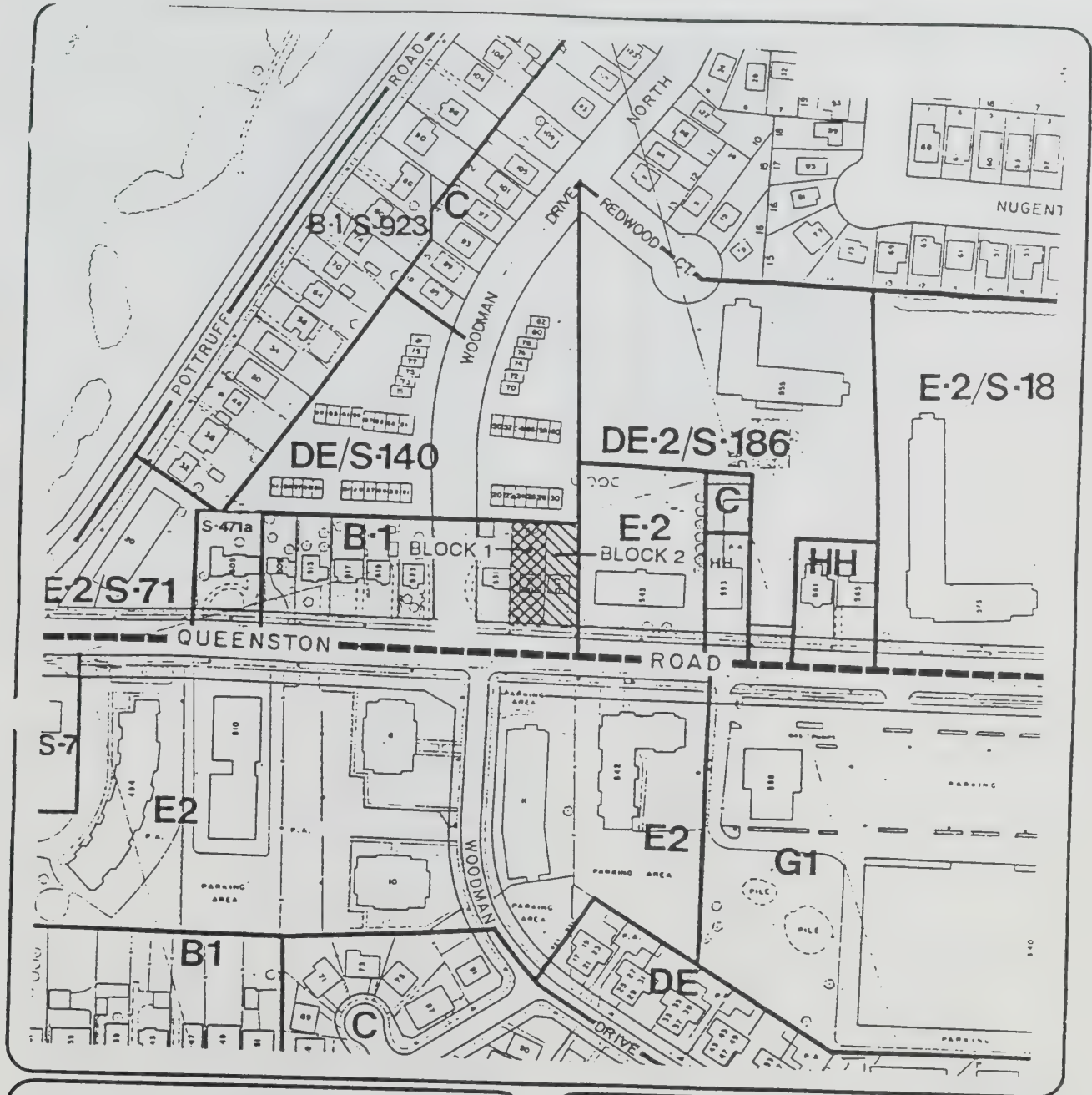


Scale
NOT TO SCALE

Date
May, 1998

Reference File No.
ZAC-98-18

Drawn By
R. L.



Legend

BLOCK 1



Modification to the "B-1" (Suburban Agricultural and Residential etc.) District

BLOCK 2



Modification to the "B-1" (Suburban Agricultural and Residential etc.) District

City of Hamilton

Location Map

Planning and Development Department

North



Scale
NOT TO SCALE

Reference File number
ZAC 98-27

Date
AUG 1998

Drawn By
D.L.

City of Hamilton Key Map

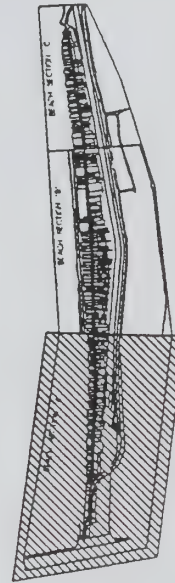
Planning and Development Department



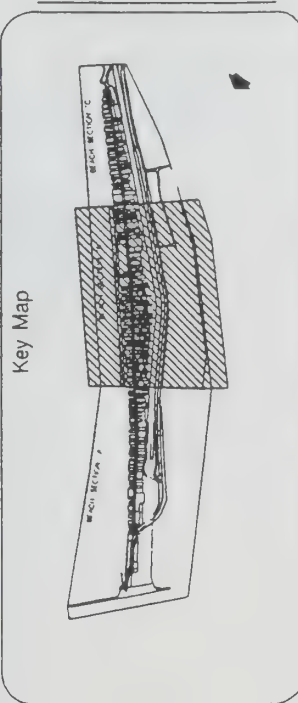
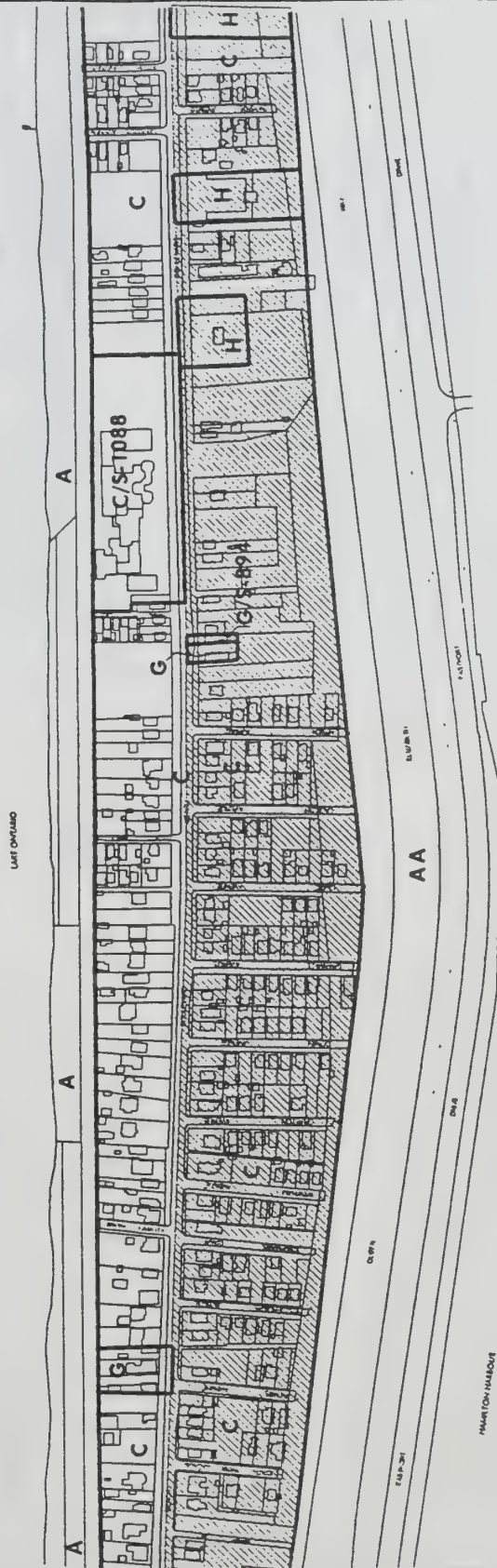
Legend

	Lands subject to zoning by-law modification	
	Scale NOT TO SCALE	Reference File No. C198-D
		Date JULY 1998
		Drawn By J.SIMS


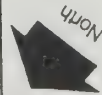
Key Map



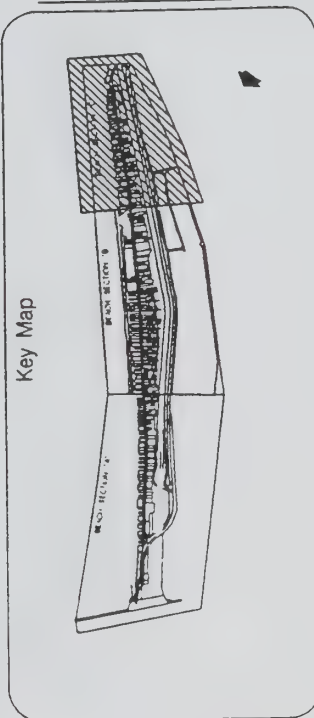
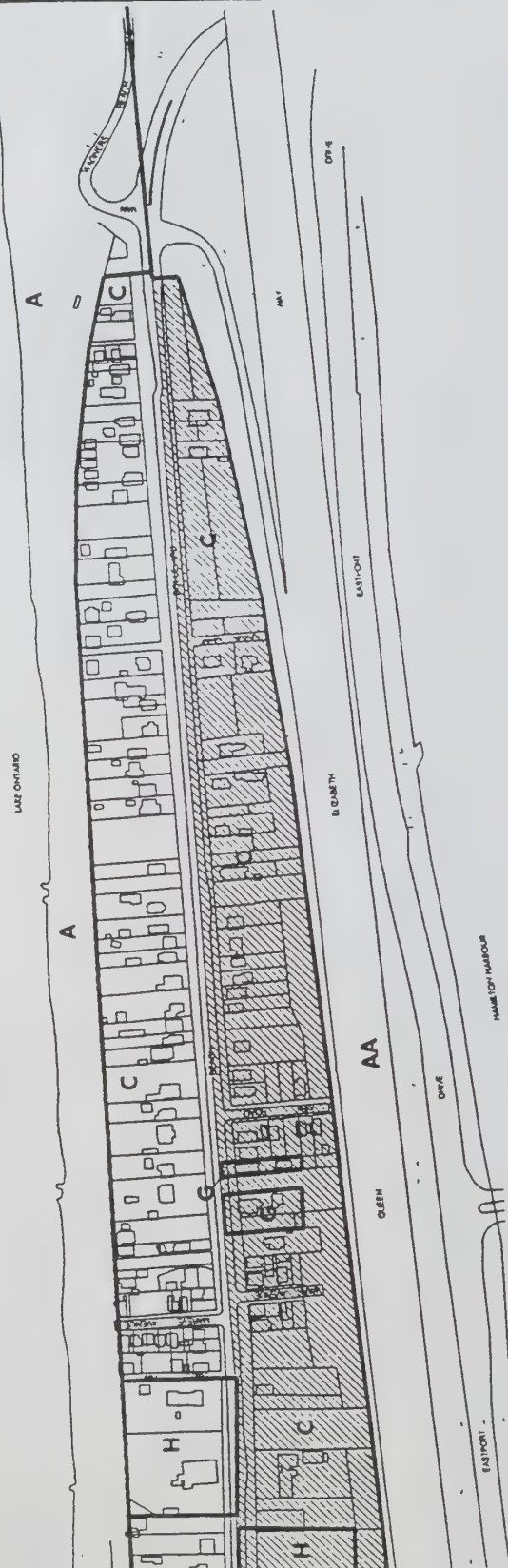
City of Hamilton
Key Map
Planning and Development Department





Legend

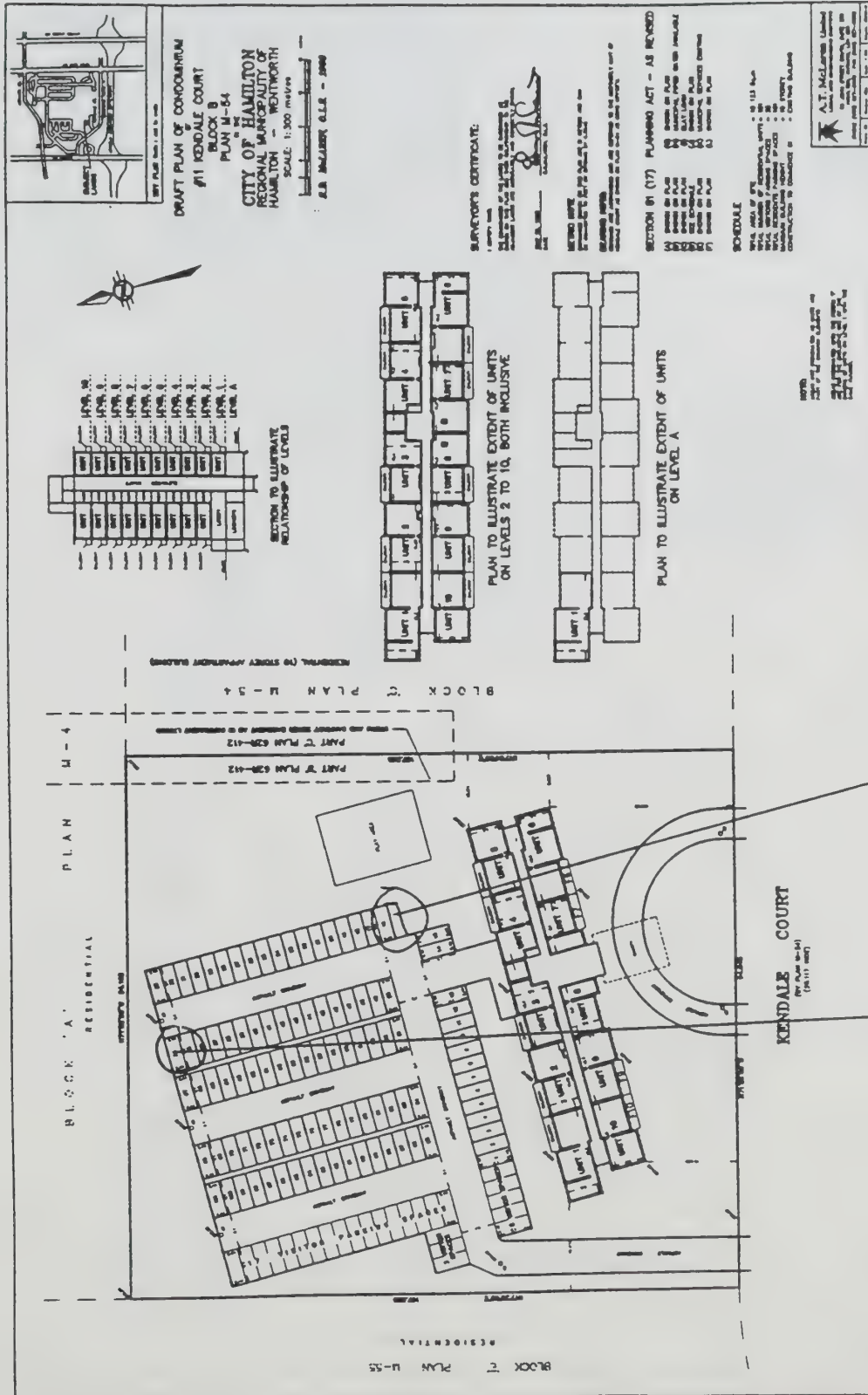
	Lands subject to zoning by-law modification	
	Scale NOT TO SCALE	Reference File No. CI 98-D
	Date JULY 1998	Drawn By J.SIMS

City of Hamilton
Key Map
Planning and Development Department



Legend

	Lands subject to zoning by-law modification		
	Scale NOT TO SCALE	Reference File No. C198-D	Drawn By J.SIMS
		Date JULY 1998	



25CDM-98006

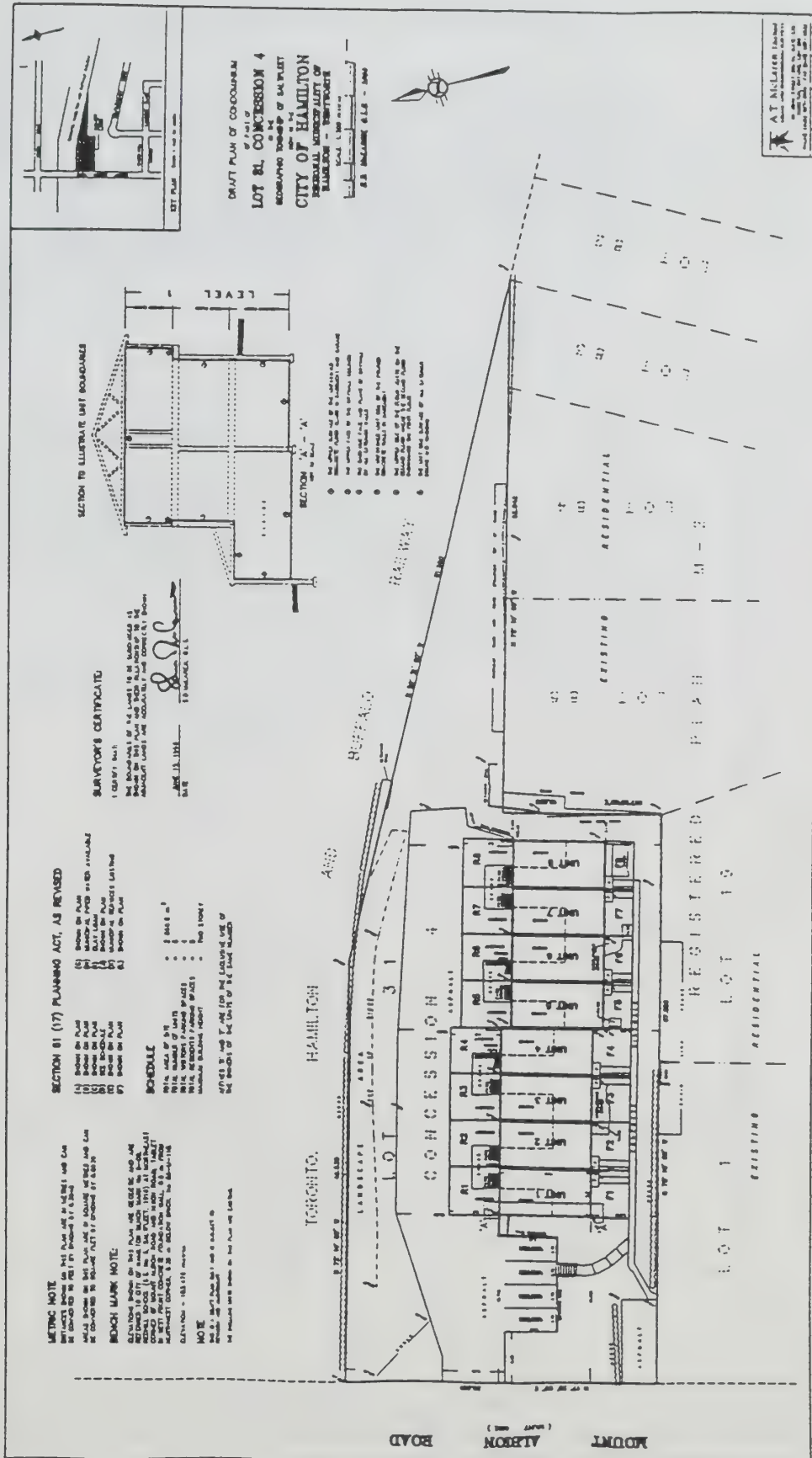
Revision to
parking stall
dimensions



250UM-98008

1998 September 29

Appendix "H" referred to in Section 10(a) of the FIFTEENTH Report of the Planning and Development Committee for 1998





1998 September 29

Appendix "J" referred to in Section 20(a) of the FIFTEENTH Report of the Planning and Development Committee for 1998



City of Hamilton

Location Map

Planning and Development Department

Legend



Site of application

North

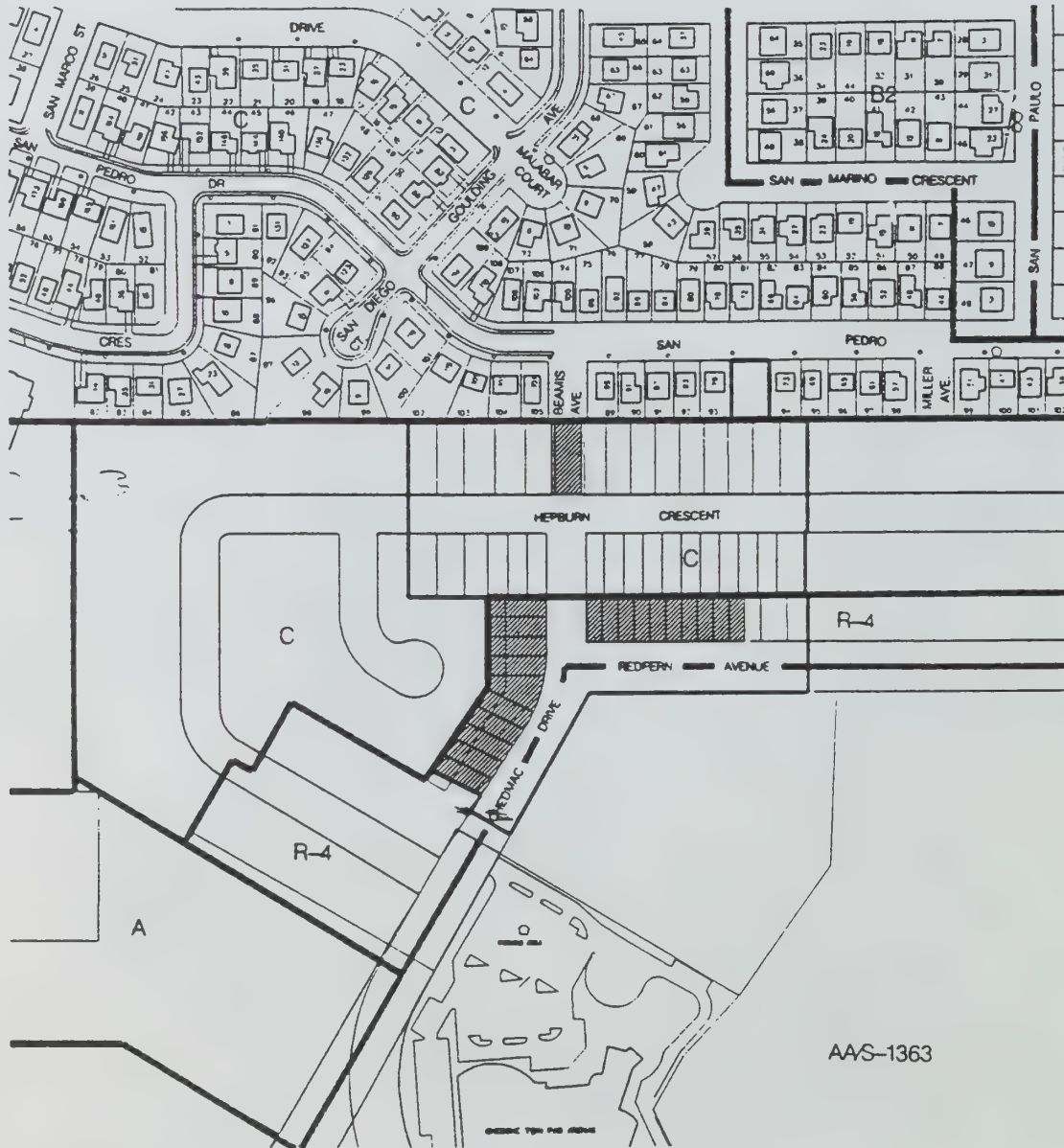


Scale
Not to Scale

Date
April 1998

Reference File No.
CDM-98-04

Drawn By
FAB



Site of the Application

City of Hamilton Location Map "Appendix "

Planning and Development Department

North



Scale

NOT TO SCALE

Date

Sept, 1998

Reference File No.

PLC 98-06

Drawn By

J.Sims

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **EIGHTEENTH** Report for 1998 and respectfully recommends:

1. That as referred to in Section 61 of the Recommendations Report approved by City Council on 1998 September 8, the gross cost of the Joint Emergency Preparedness 1999 Program in the amount of \$71,822 be funded from the Reserve for Contingency Centre CH0115 conditional on the approval of JEPP grant funds and that these anticipated grant funds of \$32,320 be credited to the Reserve noted above.
2. That as referred to in Section 6 of the Ninth Report for 1998 of the Parks and Recreation Committee, the additional required funds of \$109,974 to perform the emergency repairs on the chimney of the Hamilton Museum of Steam and Technology be financed from Risk Management-Various Facilities, CF 709855041 (Available Funds \$110,000).
3.
 - (a) That staff be directed to issue a "Notice of Cancellation" to Grand and Toy for failure to comply to service requirements of the Supply and Delivery of Office Supplies contract; and,
 - (b) That if, within 30 days of that notice, all service is not rectified in compliance with the terms of that contract, that staff be directed to cancel the service with Grand and Toy in accordance with contract terms and appoint "Basics Office Products" as the City's service provider.
4.
 - (a) That City Council approval be given for the acceptance of the painting "Maria S.S. Del Monte", 1994, by Mr. Vincent Gagliardo, from the collection of the artist; and,
 - (b) That the painting be displayed in a publicly-accessible location in City Hall in accordance with approved policy; and,
 - (c) That the Treasurer issue a receipt for income tax purposes to the artist/donor in the amount of \$1,000 in accordance with the City's Donations Policy.

5. That the submission by Econometrics Research Limited (ERL) and Social Planning and Research Council of Hamilton-Wentworth (SPRC) be selected as the consultants to undertake the Social and Economic Impact Study for Charity Casinos (Charity Gaming Clubs) at a cost of \$20,000 plus GST, to be financed from the 1998 Current Budget, Account Centre No. CH24101 55046.
6. That after reviewing the evidence of the complainants, Gilbert and Elisabeth DeGreggario, the Council of the City of Hamilton not waive the 5% Land Dedication Fees imposed on the property located at 181 John Street North in the amount of \$1,650.

NOTE: This issue lost on a tie vote at the Finance and Administration Committee. At the direction of the Committee and in accordance with City Procedural By-law No. 95-167 Section 36(b), it is presented as a negative recommendation.

7. That the City decline the proposal by the Solicitors representing the Separate and Public School Boards to arbitrate their claim for monthly levy payment schedule; and encourage the School Boards to dialogue with the Province on their budgetary needs.
8.
 - (a) That approval be granted to take a full page ad, at a cost of \$800, to congratulate the Optimist Club on their 75th Anniversary; and,
 - (b) That funding for this expenditure be charged to the Unclassified Account No. CH2401.
9. That the City file a request under the Access to Information Act with the Federal Government to obtain the report to Transport Canada entitled "Assessment of Canada Port Authority Self-Sufficiency" prepared by Nesbitt Burns and dated 1998 July 16th respecting Hamilton Harbour.
10.
 - (a) That the City Manager be authorized and directed to take the necessary steps to post and advertise the position of Fire Chief consistent with the Selection Procedure adopted by City Council on 1982 January 26th; and,
 - (b) That a Selection Committee comprised of the Chairman of the Finance and Administration Committee, Vice-Chairman of the Finance and Administration Committee, Alderman A. Horwath and Alderman C. Collins be formed to consider the applications for interviewing and recommend a Candidate to City Council.

1998 September 29

11. That the following Bill be adopted, signed, sealed and enrolled as a By-law:

D-50 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

Respectfully submitted,

**ALDERMAN D. WILSON, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan K. Reeder
Secretary
1998 September 22**

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**TUESDAY, 1998 SEPTEMBER 29
7:30 O'CLOCK P.M.
CONVENTION CENTRE**

B I L L S

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98-

**TO INCORPORATE CITY LAND
DESIGNATED AS BLOCK 16 ON PLAN 62M-728
INTO CRERAR DRIVE**

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Coporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Crerar Drive within its limits;

AND WHEREAS the said land is owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows

1. The following land is hereby established and laid out as a public highway to form part of Crerar Drive.

All of Block 16, Plan 62M-728.

City of Hamilton

Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation or his duly authorized agent is hereby authorized to open the said lands as a public highway.
3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this 29th day of September A.D. 1998

City Clerk

Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98-

**TO INCORPORATE CITY LAND
DESIGNATED AS PART 3 ON PLAN 62R-10529
INTO ACADIA DRIVE**

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Acadia Drive within its limits;

AND WHEREAS the said land is owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following land is hereby established and laid out as a public highway to form part of Acadia Drive.

Part of Lot 1, Registered Plan 909 designated as Part 3 on Plan 62R-10529.

City of Hamilton

Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation or his duly authorized agent is hereby authorized to open the said lands as a public highway.
3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this 29th day of September A.D. 1998

City Clerk

Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98-

**TO INCORPORATE CITY LAND
DESIGNATED AS BLOCK 14 ON PLAN 62M-728 & BLOCK 44 ON PLAN 62M-848
INTO ELK COURT**

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Elk Court within its limits;

AND WHEREAS the said land is owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

- 1 The following land is hereby established and laid out as a public highway to form part of Elk Court.

All of Block 14 on Plan 62M-728.

All of Block 44 on Plan 62M-848.

City of Hamilton

Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation or his duly authorized agent is hereby authorized to open the said lands as a public highway.
3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this 29th day of September A.D. 1998

City Clerk

Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98-

BEING A BY-LAW TO AMEND
BY-LAW NO. 89-72 TO REGULATE TRAFFIC

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

AND WHEREAS it is necessary to amend By-law 89-72, as amended;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That **Schedule 26 (No Parking Areas)** of By-law 89-72, as amended, is hereby amended by adding thereto the following items, namely:-

"Limeridge	North	Bonaventure to Hawkridge	Anytime
Limeridge	South	Bonaventure to West 5th	Anytime
Cheever	East	commencing at Burton and extending northerly to the T.H. & B. Railway Tracks	Anytime"

and by deleting therefrom the following items, namely:-

"King William North	commencing at a point 78 ft. east of James to a point 60 ft. easterly therefrom	Anytime	
Limeridge	Both	Bonaventure to Hawkridge	Anytime"

2. That **Schedule 27 (Alternate Side Parking)** of said By-law is hereby amended by adding thereto the following item, namely:-

"Cheever Street	West	East"
Mars Avenue to the T.H. & B. Railway Tracks		

and by deleting therefrom the following item, namely:-

"Cheever Street	West	East"
Mars Avenue to Southerly End		

3. That **Schedule 34 (Sticker Permit Parking)** of said By-law is hereby amended by adding thereto the following items, namely:-

"Clinton	South	commencing 137 feet east of Barnesdale and extending 19 feet easterly therefrom	Anytime
Cope	East	commencing 69 feet south of Newlands and extending 16 feet southerly therefrom	Anytime
Gertrude	North	commencing 4 feet west of the extended west curb line of Rowanwood and extending 19 feet westerly therefrom	Anytime
Belview	West	commencing 26 feet south of Cannon and extending 18 feet southerly therefrom	Anytime"

and by deleting therefrom the following item, namely:-

"John	East	commencing 25 feet north of Strachan and extending 33 feet northerly therefrom	Anytime"
-------	------	---	----------

4. In all other respects, By-law 89-72 and all Schedules thereto, as amended, are hereby confirmed unchanged.
5. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED this 29th day of September A.D. 1998.

CITY CLERK

MAYOR

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98-

BEING A BY-LAW TO AMEND
BY-LAW NO. 89-72 TO REGULATE TRAFFIC

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

AND WHEREAS it is necessary to amend By-law 89-72, as amended;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That **Schedule 10 (Stops at Intersections)** of By-law 89-72, as amended, is hereby amended by adding thereto the following items, namely:-

"Artistic	Northbound	Paris
Artistic	Southbound	Embassy"

2. That **Schedule 29 (No Stopping Areas)** of said By-law is hereby amended by adding thereto the following item, namely:-

"McIntosh	East	commencing at Stone Church and extending	Anytime"
		94 feet southerly therefrom	

3. In all other respects, By-law 89-72 and all Schedules thereto, as amended, are hereby confirmed, unchanged.
4. This By-law shall come into force and take effect on the day of its passing and enactment.

PASSED this 29th day of September A.D. 1998.

The Corporation of the City of Hamilton

BY-LAW NO. 98-

To Amend:

Zoning By-law No. 6593
and to Repeal Zoning By-law No. 70-42

Respecting:

LAND LOCATED AT MUNICIPAL NO. 649 UPPER JAMES STREET

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 70-42 on the 10th day of February 1970 to change the zoning and establish a special requirement under Section 19B of Zoning By-law No. 6593, for the "H" District, in respect of the land located on the north side of Fennell Avenue in the area east of Upper James Street, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law was approved by the Ontario Municipal Board by Order dated the 14th day of April 1970, (File No. R 2090-70);

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 1 of the 14th Report of the Planning and Development Committee at its meeting held on the 5th day of August 1998, recommended that Zoning By-law No. 6593 be amended to change the zoning and establish special requirements under Section 19B of Zoning By-law No. 6593 in respect of the above-captioned land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" and forming part of this by-law, and that By-law No. 70-42 be repealed in its entirety;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law No. 70-42 is hereby repealed in its entirety.
2. Sheet No. E-7 of the District Maps, appended to and forming part of By-law No. 6593, is amended,
 - (a) by changing from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "H" - 'H' (Community Shopping and Commercial, etc. - Holding) District, modified, the lands comprised in Block "1"; and,
 - (b) by changing from "H" (Community Shopping and Commercial, etc.) District to "H" - 'H' (Community Shopping and Commercial, etc. - Holding) District, modified, the lands comprised in Block "2",

the extent and boundaries of each of which Blocks "1" and "2" are shown on a plan hereto annexed as Schedule "A".

3. (a) The 'H' symbol applicable to the land referred to in section 1 shall be removed conditional upon the owner submitting a Record of Site Condition (RSC) to the Region and the Ministry of Environment (MOE), to the satisfaction of the Region, including an acknowledgement of receipt of the RSC from the MOE;

(b) The 'H' symbol shall be removed by amendment to this by-law and the development of the lands referred to in section 1 may at such time proceed in accordance with the "H" District provisions, subject to the special requirements contained in section 3 of this by-law.

4. The "H" (Community Shopping and Commercial, etc.) District provisions, as contained in Section 14 of Zoning By-law No. 6593, applicable to the land referred to in section 1, are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 14.(1) of Zoning By-law No. 6593, a restaurant will not be permitted;
- (b) a minimum 1.5 metre wide planting strip shall be provided and maintained along the southerly lot line except for an access driveway;
- (c) a minimum 3.0 metre wide planting strip shall be provided and maintained along the westerly lot line except for an access driveway.

5. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "H" District, subject to the special requirements referred to in section 4.

6. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1409.

7. Sheet No. E-7 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1409.

8. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 29th day of September A.D. 1998

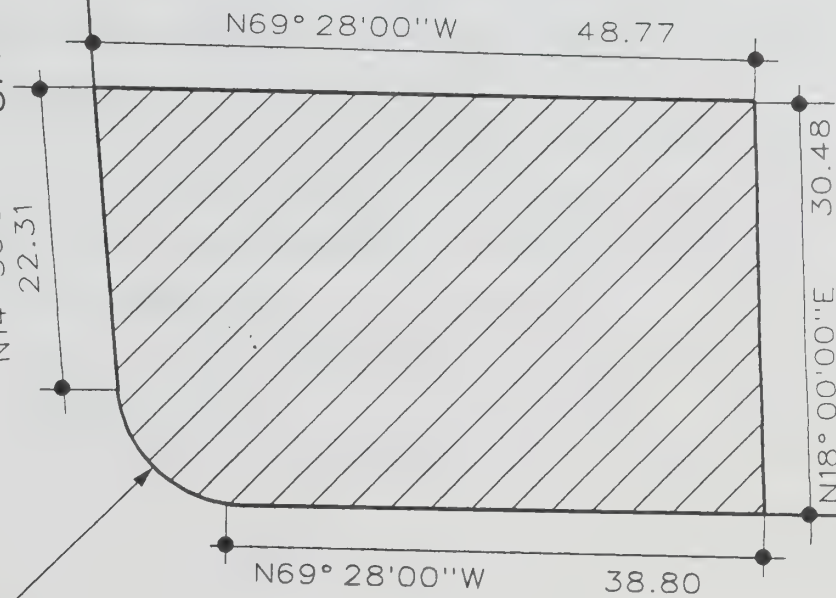
CITY CLERK

MAYOR

(1998) 14 R.P.D.C. 1, August 5
1135193 Ontario Inc.
(Hussein Ghaddar), Prospective Owner
Amended ZAC-98-02

JAMES STREET

UPPER



Radius = 9.14
Arc = 13.45
Chord = 12.27
N27° 18' 45'' W

FENNELL AVENUE EAST

NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 98-.....
Passed the day of , 1998.

Clerk

Mayor

City of Hamilton

Schedule "A"

Map Forming Part of
By-Law No. 98-____
to Amend By-Law No. 6593

Planning and Development Department

Legend



Site of the Application

North



Scale

NOT TO SCALE

Date

September 1998

Reference File No.

ZAC-98-02

Drawn By

B. B.

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98-

To consolidate the Property Standards By-Law

Where Section 31 of the Planning Act R.S.O. 1990, Chapter P.13 contained the jurisdiction for Municipalities to enact Property Standards By-Laws,

And Whereas pursuant to the provisions of the Planning Act, the City did adopt an Official Plan subsection C.5 on Property Maintenance and Municipal Housekeeping which includes provisions relating to property conditions..

And Whereas By-Law No. 94-185 was enacted pursuant to Section 31, of the Planning Act,

And Whereas the Tenant Protection Act S.O. 1997, Chapter 24, repealed Section 31 of the Planning Act and transferred the Property Standard By-Law authority to the Building Code Act, 1992.

And Whereas it is desirable to consolidate By-Law No. 94-185.

NOW THEREFORE, the Council of the Corporation of the City of Hamilton enacts as follows:

SHORT TITLE

1. This by-law may be cited as The Property Standards By-law

INTERPRETATION

2. In this by-law.

- (a) "accessory building" means a building or structure the use of which is incidental to the use of a property and which is located in the yards located on the same lot as a building.
- (b) "approved" means approved by the Property Standards Officer
- (c) "basement" means any storey below the first storey.
- (d) "building" means any structure used or intended to be used for supporting or sheltering any use or occupancy.
- (e) "building code" includes,
 - (i) The Building Code Act, 1992 and regulations made thereunder.
 - (ii) City of Hamilton By-law No. 93-167 as amended.
- (f) "cellar" means a storey that is more than 50 percent below grade.
- (g) "City" means The Corporation of the City of Hamilton.
- (h) "committee" means The Property Standards Committee established under this By-law.
- (i) "dwelling" means a building or structure, with or without kitchen facilities or a part of such a building or structure, which is, or is intended to be used for the purpose of human habitation, and includes a building that would be or would be intended to be used for such purposes, except for its state of disrepair.

- (j) "dwelling unit" means a suite that is a housekeeping unit, used or intended to be used as a domicile by one or more persons for living, sleeping and preparing food and **must** include a kitchen.
- (k) "first storey" means the uppermost storey having its floor level not more than 2 meters above grade.
- (l) "guard" means a protective barrier around openings in floors or at the open sides of stairs, landings, balconies, mezzanines, galleries, raised walkways or other locations to prevent accidental falls from one level to another. Such barrier may or may not have openings through it.
- (m) "habitable room" means any room in a dwelling or dwelling unit used or intended to be used for living, eating, sleeping, or cooking, and without limiting the foregoing shall include den, library, sunroom or recreational room or any combination thereof.
- (n) "health by-law" means The City of Hamilton Health By-Law, being By-Law No. 4798, a by-law Respecting Conditions which may be or become Injurious to Health, and the regulations made thereunder, and any regulation or by-law prescribed or authorized by the provisions of The Health Protection & Promotion Act, 1990, Chapter H.7, as amended.
- (o) "heating appliance" means a device to convert fuel into energy and includes all components, controls, wiring, and piping required to be part of the device by the applicable standard referred to in the Building Code.
- (p) "inoperative motor vehicle" means a vehicle having missing parts, including tires or damaged or missing glass or deteriorated or removed metal adjunct or part which prevent its normal function.
- (q) "lot" means a parcel of land the boundaries of which are defined in the last registered instrument by which legal or equitable title to the said parcel was lawfully and effectively conveyed.
- (r) "medical officer of health" means The Medical Officer of Health for the Regional Municipality of Hamilton-Wentworth, Department of Health Services.
- (s) "multiple dwelling" means a building containing four or more dwelling units.
- (t) "non-habitable room" means any room or space in a dwelling, or dwelling unit, other than a habitable room and includes a washroom, bathroom, toilet room, laundry, pantry, lobby, communicating corridor, stairway, closet, cellar, boiler room, garage, or space for service and maintenance of any building for public use and for access to and vertical travel between storeys.
- (u) "occupancy" means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.
- (v) "officer" means a Property Standards Officer who has been assigned the responsibility of administering and enforcing by-laws enacted pursuant to Section 15.1 of the Building Code Act, 1992.
- (w) "owner" includes the person, for the time being, managing or receiving the rent of the land or premises in connection with which the word is used whether on his own account, or as agent or trustee of any other person, or who would receive the rent if the land and premises were let, and shall also include a lessee or occupant of the property who, under the terms of a lease,

is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property.

- (x) "property" means a building or structure, or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile structures, mobile buildings, mobile homes, outbuildings, fence and retaining walls, and erections thereon, whether heretofore or hereafter erected and includes vacant property.
- (y) "protective device" means any mechanical device designed for the purpose of inhibiting movement by latching or automatic engagement or in any other reasonable manner.
- (z) "repair" includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established in this by-law.
- (aa) "residential property" means any property that is used or is capable of being used as a dwelling or multiple thereof, and includes any land or buildings that are appurtenant to such establishment including but not necessarily limited to all steps, walks, driveways, parking spaces, fences and yards.
- (bb) "retaining wall" means a structure that holds back soil or other loose material to prevent it assuming the natural angle of repose at locations where an abrupt change in ground elevation occurs.
- (cc) "sanitary sewage" means liquid or water borne waste
 - (i) of industrial or commercial origin, or
 - (ii) of domestic origin, including human body waste, toilet or other bathroom waste, and shower, tub, culinary, sink and laundry waste.
- (dd) "storm sewage" means water that is discharged from a surface as a result of rainfall, snowmelt or snowfall.
- (ee) "sewage system" means the Regional Municipality of Hamilton-Wentworth's system of storm sewers, sanitary sewers and combined sewers, or a private sewage disposal system approved by the Chief Building Official within the City of Hamilton.
- (ff) "standards" means the standards of physical condition and of occupancy prescribed for property by this by-law.
- (gg) "storey" means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.
- (hh) "suite" means a single room or series of rooms of complementary use, operated under a single tenancy, and includes dwelling units, individual guest rooms in motels, hotels, boarding houses, rooming houses and dormitories as well as individual stores and individual or complementary rooms for business and personal services occupancies.
- (ii) "tenant" means any person or persons over the age of 18 years in possession of the property.
- (jj) "unsafe condition" means any condition that poses a danger to the health or safety of any person on or about the premises.
- (kk) "visual barrier" shall mean a continuous, uninterrupted structure which completely blocks lines of sight when viewed perpendicularly from either of its sides and shall consist of one or more of the following materials: wood, stone, bricks, mortar, fabricated metal or other similarly solid material.

- (II) "yard" means the land within the boundary lines of the lot and not occupied by the principal building.

SCOPE

- 3(1) No person shall use or occupy, or being the owner thereof or his agent, shall allow to be used or occupied, any property unless such property conforms to the standards prescribed herein, nor shall the owner or his agent permit the accumulation of debris or rubbish on yards, as herein defined, in contravention of the standards prescribed in this By-Law.
- 3(2) No person shall use or permit any one to use any property that does not conform to the standards of this By-Law.
- 3(3) No owner of any property shall fail to maintain such property to conform to the standards of this By-Law.
- 3(4) No person shall remove from a property any sign, notice or placard placed thereon pursuant to section 20 of the Building Code Act, 1992.

VALIDITY

- 4(1) Should any section or part of a section of this By-Law be held to be invalid, the validity of the remainder of the By-Law shall not be affected.

GENERAL STANDARDS FOR ALL PROPERTIES

STRUCTURAL STANDARD

- 5(1) Every part of a property shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any additional weight that may be put on it through normal use, having a factor of safety as required by the Ontario Building Code.
- 5(2) All exterior surfaces shall be of materials which resist deterioration by the weather or have resistant coatings applied to them.
- 5(3) The exterior walls, chimneys, roofs and other parts of the property shall be free from loose, rotten, warped and broken materials and objects. Such materials and objects shall be removed, repaired or replaced.

5(4) FIRE DAMAGED BUILDINGS

Fire damaged buildings shall be kept clear of all garbage, refuse and debris and shall have all water, electrical and gas services turned off except those services that are required for the security and maintenance of the property.

The owner or agent of the fire damaged building shall restore the building to meet the requirements of Sections 5,6,7, and 8 of the said By-Law, and shall board up the building to the satisfaction of the Property Standards Officer by covering all openings through which entry may be obtained with at least 12.7 mm (0.5 inches) weather-proofed sheet plywood, painted a colour compatible with the surrounding walls.

EXTERIOR WALLS AND ROOFS

- 6(1) The exterior walls and their components shall be maintained so as to prevent their deterioration and shall be so maintained, by the painting,

restoring or repairing of the walls, coping or flashing or by the waterproofing of joints and of the walls themselves.

- 6(2) Exterior walls, roofs and other parts of a building shall be free from loose and unsecured objects and materials which may create an unsafe condition. Such objects or materials shall be removed, repaired or replaced.
- 6(3) Exteriors of buildings shall be kept weather resistant through the use of caulking and other appropriate weather resistant materials and be maintained to prevent the entry of vermin and birds.
- 6(4) A roof including the fascia board, soffit, cornice and flashing shall be maintained in a condition so as to prevent the leakage of water into the building.
- 6(5) All structural components of a roof shall provide adequate support for all probable loads, and form a suitable base for the roof covering.
- 6(6) Sign faces and their structures shall be maintained without any visible deterioration of the sign or its structure.
- 6(7) Exterior walls of a building or structure and their components shall be maintained free of painted slogans, graffiti or similar defacements.
- 6(8) Exterior walls of a building or structure, and their components shall be maintained free of posters or advertisements which are:
 - a) for events which have already occurred or
 - b) which are, or may become, loosened, dislodged, torn or otherwise in a condition which may permit them to detach and become litter.

FOUNDATIONS AND BASEMENTS

- 7(1) The foundation walls and the basement, cellar or crawl space floors shall be maintained in good repair and structurally sound.
- 7(2) Every basement, cellar and crawl space in a property shall be maintained in a reasonably watertight condition so as to prevent the leakage of water into the building.

INTERIOR STRUCTURE & FLOORS

- 8(1) Every building, unless of concrete slab-on-grade design, shall be upon either full foundation walls or piers, and all footings, foundation walls, and piers shall be of concrete, masonry, or other material acceptable to the City under the provisions of the Building Code and shall be sound, reasonably plumb, and adequate to carry the loads imposed on them.
- 8(2) In every building all joists, beams, studding, and roof rafters shall be of sound material and adequate for the load to which they are subjected.
- 8(3) Every cellar shall have a floor of concrete or other material acceptable to the City under the provisions of the Building Code for purposes of water drainage and to guard against the entry of vermin.
- 8(4) Every floor shall be smooth and level and maintained so as to be free of all loose, warped, protruding, broken or rotted boards that may create an unsafe condition. Such defective floor boards shall be repaired or replaced.

- 8(5) Where floors have been covered with linoleum or other covering that has become worn or torn so that it retains dirt or may create an unsafe condition, the sheet flooring or other covering shall be repaired or replaced.
- 8(6) Every bathroom, kitchen, laundry and shower room shall have a floor covering of water-resistant material.
- 8(7) Every wall and ceiling shall be maintained in a condition free from holes, cracks, loose coverings or other defects which would permit flame or excessive heat to enter a concealed space.

RUBBISH AND DEBRIS

- 9(1) Every property shall be kept free from rubbish, debris or conditions which constitute fire, accident or health hazards.
- 9(2) Every porch, hallway, stairway and common area shall be kept free of garbage, debris, old furniture, appliances, etc.

PLUMBING SYSTEM

- 10(1) The plumbing system in every building shall be maintained in good working order and free from leaks and defects and in compliance with The Ontario Building Code. All water pipes and appurtenances thereto shall be protected from freezing. All plumbing fixtures shall be connected to the sewage system through water seal traps.

KITCHEN FACILITIES

- 11(1) Every Commercial and Industrial building shall contain plumbing fixtures in accordance with the appropriate provincial legislation.
- 11(2) Every kitchen shall contain an area equipped with a sink, served with potable running water, storage facilities, a work area, and space for a stove and refrigerator and all areas shall be maintained in a good state of repair.

HEATING SYSTEMS

- 12(1) Except for spaces exempted by the Building Code, a heating system shall be installed that is capable of supplying during normal hours of occupancy of the building sufficient heat to maintain a temperature of not less than 22 degrees Celsius or 72 degrees Fahrenheit at the outside design temperature specified in the Building Code.
- 12(2) The heating system and every other mechanical system shall be:
 - (a) operated and maintained,
 - (i) in good working order; and
 - (ii) free from unsafe conditions; and
 - (iii) in accordance with the requirements of the Building Code; and
 - (b) maintained at all times in good repair.
- 12(3) No heating appliance shall be installed or placed so as to cause a fire hazard nor to impede the free movement of a person within the room where the heating appliance is located. A heating appliance shall not be located in corridors, hallways or other means of egress.

- 12(4) Any heating system or part thereof or any auxiliary heating system that is designed to burn solid or liquid fuel shall be provided with a properly constructed receptacle for fuel storage or a place for storage located so as to be free from fire or accident hazard.
- 12(5) Every chimney, smoke pipe and flue shall be maintained so as to prevent gases from leaking into a building and the maintenance shall include cleaning the flue of obstructions, filling open joints and repairing masonry.
- 12(6) Any heating equipment used in the process of burning fuel shall be properly vented to the outside air by means of an approved smokepipe, vent pipe or chimney.
- 12(7) All gaseous and liquid fuel burning appliances and equipment shall comply with the relevant provincial regulations.

MAINTENANCE OF PROPERTY
YARDS/ PARKING LOTS/ VACANT PROPERTY

- 13(1) Facilities for lighting, including flood lighting required as a condition of site development or redevelopment, shall be maintained in a good state of repair and in accordance with the recommended horizontal illuminance as set out under the I.E.S. Lighting Handbook (1987).
- 13(2) Yards shall be kept clean and free from rubbish or other debris and from objects or conditions that might create a health, fire or accident hazard or an unsafe condition.
- 13(3) Heavy undergrowth and noxious plants, such as ragweed, poison oak, poison ivy and poison sumac, shall be eliminated from the yard.
- 13(4) Every yard, parking lot, and vacant property shall be kept free from:
 - (a) metal, wood and rubber objects, barbed and other wire.
 - (b) unused or surplus animal, vegetable or chemical products that are the by-products of any process, or that may be or become contaminated
- 13(5) Storage, salvage, and scrap yards, whether licensed or not, shall be effectively screened from all other property or streets by a visual barrier and materials or matter of any kind stored or located in such yards shall not be piled within 1 metre of such visual barrier, unless such visual barrier is capable of sustaining any horizontal load which may be imposed upon it by the stored materials.
- 13(6) Grass, plantings, and hedges shall be kept trimmed and neat. Every yard and vacant property shall be kept free of noxious plants in accordance with the provisions of the Weed Control Act R.S.O. 1990, Chapter W.5 and amendments thereto and the regulations made thereunder.
- 13(7) Ground cover, hedges, trees, landscaping and site facilities required as a condition of site development or redevelopment shall be maintained in living condition and in a good state of repair.
- 13(8) Trees or parts thereof that have expired shall be removed or maintained in a condition which is not hazardous to persons expected to be on or about the property.
- 13(9) Concrete wheel stops shall be installed where parking spaces are adjacent to a property line to protect fences and neighbouring properties from physical damage.

- 13(10) Stoned surfaces shall be maintained free of dust and spillover onto sidewalks and grass surfaces.

WALKS AND SAFE PASSAGE

- 14(1) There shall be a walk leading from the principal entrance of every building to the street. Such walks may lead to a driveway or hard surfaced area provided such area leads to a street.
- 14(2) The surfaces of steps, walks, driveways, parking spaces and similar areas of the yard shall be maintained so as to afford safe passage under normal use.

SEWAGE AND DRAINAGE

- 15(1) Sanitary sewage shall be discharged into the municipal sanitary sewer where such a system exists. Where a Municipal sanitary sewer does not exist, sewage shall be disposed of in a manner acceptable to the Chief Building Official.
- 15(2) Roof drainage shall not be permitted to discharge on a sidewalk, stairs, neighbouring property, or a street.
- 15(3) Storm water shall be drained from a yard so as to eliminate recurrent standing water or ponding and prevent the entrance of water into a basement or cellar on the property or adjacent properties
- 15(4) Condensation from air conditioners shall not be permitted to discharge onto the sidewalk or street.
- 15(5) Eavestroughs shall be maintained:
- a) watertight and free from leaks,
 - b) in good working order, and free from any obstructions,
 - c) in a stable condition and shall be securely fastened to the structure, and
 - d) free from unsafe conditions.
- 15(6) Downspouts shall be maintained:
- a) watertight and free from leaks,
 - b) in good working order, and free from any obstructions,
 - c) in a stable condition and shall be securely fastened to the structure, and
 - d) free from unsafe conditions.

ACCESSORY BUILDINGS AND FENCES

- 16(1) Accessory buildings, fences, barriers and retaining walls shall be kept in good repair.
- 16(2) The owner of any property used for multiple-dwelling, commercial, institutional, or industrial purposes shall install and maintain around such property a visual barrier not less than 4 feet (1.2 metres) and not more than 6 feet 6 inches (2.0 metres) in height where such property is used for the

parking, access, and exiting of vehicles by tenants, employees, or customers or when used for the operation of equipment or when used for the storage of goods, or when used for any other purpose which may detract from the quiet enjoyment and good appearance of an abutting residential property.

- 16(3) Despite Section 16(2), no visual barrier shall be required within 9 feet, 9 inches (3.0 metres) in distance from a front lot line in accordance with By-law No. 6593, as amended.

ADDITIONAL RESIDENTIAL STANDARDS

WEATHER PROOFING

- 17(1) Every exposed ceiling or exterior wall of a residential building when opened or replaced during the course of alterations or renovations shall be insulated, in order to minimize heat loss, air infiltration and moisture condensation on the interior surfaces, in accordance with,
- (a) the Building Code and amendments thereto, made under the Building Code Act, 1992 or
 - (b) standards equivalent to the Building Code and amendments thereto, satisfactory to the Property Standards Officer.
- 17(2) Windows and exterior doors and frames, basement or cellar hatchways and attic access doors shall be maintained in good repair and shall be of such construction so as to minimize drafts and heat losses through the infiltration of outside cold air.
- 17(3) Rotted or damaged doors, door frames, window frames, sashes and casings, weatherstripping, broken glass and missing or defective door and window hardware shall be repaired or replaced.

SECURITY

- 18(1) All openable windows, exterior doors and the entrance door to a dwelling unit shall have hardware so as to be capable of being locked or otherwise secured.
- 18(2) Every lock on a building that is designed to be unlocked with a key or combination shall be maintained in good working order or shall be repaired or replaced.
- 18(3) The owner of a multiple dwelling shall, upon the written request of an occupant of the dwelling unit, in which children under the age of ten reside, provide and install a protective device on any window that,
- (a) has a moveable sash, and
 - (b) is more than six feet (1.8 m) above adjacent finished ground level.
- 18(4) The protective device shall be installed within seven days of the delivery of the written request upon the owner, his agent or representative.
- 18(5) The protective device shall be installed in such a manner as to prevent any child under the age of ten years from opening a window to any amount greater than four inches (100 mm.).
- 18(6) The owner of a building containing 10 or more dwelling units shall post or display or cause to be posted or displayed and shall maintain or cause to be

maintained a legible and clearly printed copy of this section, conspicuously placed in the building so as to be clearly visible and available for ready viewing and easy reading by tenants or occupants of the building.

STAIRS AND PORCHES

- 19(1) Interior and exterior stairs, porches and any other means of access shall be maintained so as to be free of holes, cracks and other defects which may constitute possible accident hazards. Treads or risers that show excessive wear or are broken, warped or loose and all supporting structural members that are rotted or deteriorated shall be repaired or replaced.
- 19(2) A handrail shall be installed and maintained in good repair on all stairs which have more than 3 risers.
- 19(3) Handrails shall be located between 32 inches and 36 inches (810 and 920mm) measured vertically above a line drawn through the outside edges of stair nosings.
- 19(4) Handrails will be provided on both sides of stairs greater than 43 inches (1100 mm) in width.
- 19(5) Every exterior landing, porch and every balcony, mezzanine, gallery, raised walkway and roof to which access is provided for other than for maintenance purposes, shall be protected by guards on all open sides where the difference in elevation between adjacent levels exceeds 24 inches (610 mm), and every exterior stair with more than 6 risers shall be protected with guards on all open sides where the difference in elevation between the adjacent ground level and the stair exceeds 24 inches (610 mm). All guards including those for balconies shall be at least 42 inches (1070mm) in height. Guards for stairs shall be not less than 2 ft 11 in (900 mm) high measured vertically from a line drawn through the outside edges of the stair nosings, and 3 ft 6 in (1070 mm) high at landings. Guards for stairs within dwelling units and stairs serving not more than one dwelling unit shall be not less than 2 ft 7 in (800 mm) measured vertically above a line drawn through the outside edges of stair nosings, and not less than 2 ft 11 in (900 mm) above landings. All required guards within dwelling units, other than those previously described shall be not less than 2 ft 11 in (900 mm) high.

INTERIOR WALLS, CEILINGS AND DOORS

- 20(1) Every wall and ceiling shall be maintained in a condition free from holes, cracks, loose coverings or other defects which would permit flame or excessive heat to enter a concealed space.
- 20(2) Where fire resistant walls and doors exist between separate dwelling units they shall be maintained in a condition which maintains their fire-resistant quality.
- 20(3) Where doors are provided, the doors and associated hardware shall be maintained in a good state of repair.

WATER

- 21(1) Every dwelling shall be provided with a supply of potable water from at least one of the following approved sources:
 - a) Municipal Water System
 - b) Communal Water System
 - c) Private Source

- 21(2) Every dwelling or building to which water is available under pressure through piping shall be provided with:
- a) piping for hot and cold water connected to every kitchen fixture, every washbasin, bathtub, shower, slop sink and laundry area and
 - b) piping for cold water connected to every toilet and hose bib,
 - c) equipment which supplies hot water to every washbasin, sink, bathtub or shower.

TOILET, KITCHEN AND BATHROOM FACILITIES

- 22(1) Every dwelling unit shall contain plumbing fixtures consisting of:
- a) a kitchen sink
 - b) a water closet
 - c) a hand wash basin; and
 - d) a bathtub and/or shower
- 22(2) All bathrooms and toilet rooms shall be located within and accessible from within the building and all bathrooms and toilet rooms shall be maintained in a good state of repair.
- 22(3) All bathrooms and toilet rooms shall be fully enclosed and shall have a door capable of being closed so as to provide privacy for the occupant.
- 22(4) A hand wash basin shall be located in the same room as the toilet or in an adjoining bathroom.
- 22(5) Where toilet, kitchen or bathroom facilities are shared by the occupants of residential accommodation, an appropriate entrance shall be provided from a common passageway, hallway, corridor or other common space to the room or rooms containing the said facilities. The minimum number of toilets, kitchens or bathrooms required shall be in accordance with the Ontario Building Code.
- 22(6) Every bathroom and every toilet room shall have a permanently installed artificial lighting fixture that shall be maintained in good working order.
- 22(7) No toilet or urinal shall be located within a habitable room.

KITCHEN FACILITIES

- 23(1) Except for a dwelling in which the occupants do not, and are not intended or permitted to prepare food for their own consumption, and which is not required to have any kitchen facilities, every dwelling unit shall be provided with each of the following components and shall be maintained in a good state of repair:
- (a) Every kitchen shall be provided with a kitchen sink and a splash back which is water and grease resistant.
 - (b) Every kitchen shall be provided with a work surface of at least 8 square feet which shall be impervious to grease and water.

- (c) Every kitchen shall be provided with kitchen cupboards or pantry for the storage of food, dishes, and cooking utensils having a content of at least 30 cubic feet.
- (d) Every kitchen shall be provided with sufficient space to accommodate a cooking range or a countertop cooking unit.

ELECTRICAL SERVICES

- 24(1) Every suite and dwelling unit, where required by the Building Code and the Ontario Electrical Code, shall be:
 - (a) connected to an electrical supply system; and
 - (b) wired to receive electricity.
- 24(2) The capacity of the connection to the building and the system of circuits and electrical outlets distributing the electrical supply within the building shall be:
 - (a) adequate for the intended use; and
 - (b) maintained at all times,
 - (i) free from unsafe conditions ; and
 - (ii) in accordance with the requirements of the Ontario Electrical Code.
- 24(3) An adequate supply of electrical power shall be available in all occupied parts of every dwelling, suite and building.
- 24(4) Electric heating shall be maintained in compliance with the provincial regulations.

LIGHTING

- 25(1) Every stairway, exterior exit and entrance doorway, bathroom, toilet room, kitchen, hall, cellar, basement, laundry, furnace room and non-habitable work room in a suite, dwelling unit or building shall have a permanently installed lighting fixture that shall be maintained in good working order.
- 25(2) All public hallways and stairs in multiple dwellings shall be illuminated so as to provide safe passage.

VENTILATION

- 26(1) Except as herein provided, every habitable room shall have an opening or openings for natural ventilation from outside which shall be maintained in good working order.
- 26(2) Except as herein provided every bathroom or room containing a water closet shall be provided with an opening or openings for natural ventilation located in an exterior wall or through openable parts of skylights and all such openings shall have a minimum aggregate unobstructed area of 1 sq.ft. (.09 sq.m.)
- 26(3) Where a system of mechanical ventilation is provided in accordance with the Ontario Building Code, an opening for natural ventilation from a bathroom or toilet room may be omitted.

- 26(4) All systems of mechanical ventilation shall be maintained in good working order.
- 26(5) The natural ventilation requirements prescribed in subsections (1) and (2) may be omitted from any room where adequate mechanical ventilation equipment has been approved by the Property Standards Officer.
- 26(6) Every basement, cellar and unheated crawl space shall be adequately vented.

GARAGES

- 27(1) Garages shall be so maintained as to prevent gas fumes and carbon monoxide from entering the area of the dwelling unit.
- 27(2) Garages shall be maintained in good repair and free from accident hazards.

GARBAGE DISPOSAL

- 28(1) Every dwelling, dwelling unit and building shall be provided with sufficient receptacles to contain all garbage, rubbish and ashes that accumulate on the property and shall be made available for removal weekly.
- 28(2) Receptacles for garbage shall be:
 - i) made of watertight construction
 - ii) provided with a tight fitting cover and
 - iii) maintained in a clean state.
- 28(3) Boxes or plastic bags, when adequately secured so as to prevent spillage, shall be considered to be acceptable receptacles. However, such containers shall not be stored outdoors unless protected from damage.
- 28(4) Paper bags of any type shall not be considered as acceptable receptacles. Such bags, when used to contain garbage, shall be placed in receptacles as prescribed by Section 28.2 or 28.3.
- 28(5)
 - (a) Every garbage and refuse chute, and every garbage and refuse storage room in a multiple dwelling shall be kept in use and maintained in operation at all times.
 - (b) No owner of a multiple dwelling or occupant thereof shall disconnect, shut off, remove, otherwise discontinue, or cause or permit the disconnection, shutting-off, removal, or discontinuance of any garbage and refuse chute or any garbage and refuse storage room except when such action is necessary in order to safely make repairs, replacements or alterations thereto, and then only during the reasonable minimum time that such action is necessary.
 - (c) Where it is not practical to maintain garbage chutes operational, because compactors are not able to be installed in place of incinerators the garbage and refuse chutes need not be maintained operational at all times if an alternate method readily accessible to all occupants is provided and maintained as follows:
 - (i) a garbage storage area is provided on each floor of the building,

- (ii) the occupants are not required to deliver the garbage to the ground floor, basement or parking lot of the building, and
- (iii) a daily collection procedure from each floor is provided by the management of the building and the garbage is delivered to the receptacles as required in Sections 28(2) and 28 (3) of this By-Law.

OCCUPANCY STANDARDS

- 29(1) No person shall use or permit the use of a non-habitable room for a habitable room purpose.
- 29(2) Every living room, dining room, and kitchen shall have an average clear height of 7 feet over at least three-quarters of its floor area and every bedroom shall have an average clear height of 7 feet over at least one-half its floor area.
- 29(3) A bedroom or sleeping room for one person shall have a floor area of at least 60 square feet, and a bedroom or sleeping room for 2 or more persons shall have a floor area of at least 36 square feet per person, calculated in each case from the measurement of such room from the inside faces of its walls, exclusive of the floor area of any closet or other storage space.
- 29(4) For the purpose of computing the floor area or ceiling height of rooms referred to in subsections (1) and (2) and (3) of this section, the floor area of any portion of the room which does not have a clear height of 4 feet 6 inches shall be excluded.

RESPONSIBILITIES OF THE OWNER

The owner of a property shall:

- 30(1) Comply with all standards prescribed in this By-law.
- 30(2) Not permit any person to use or occupy any property owned, managed or controlled by him unless such property conforms to the standards prescribed in this By-Law.
- 30(3) Comply with any final and binding order of the Property Standards Officer.
- 30(4) Provide tests and samples as specified by the Property Standards Officer.

ADMINISTRATION AND ENFORCEMENT

Officers

- 31(1) The Chief Building Official appointed pursuant to the Building Code Act, 1992, is hereby assigned the responsibility of administering and enforcing this By-law.
- 31(2) A Property Standards Officer may permit the maintenance of property to alternate standards required by any provision of this By-law.
- 31(3) The alternate standards shall be in accordance with the general purpose and intent of this By-law.

- 31(4) Where alternate standards are permitted, they shall have the same effect and force as standards required by any provision of this By-law.
- 31(5) A Property Standards Officer is hereby authorized to give immediate effect to any order that is confirmed or modified as final and binding under section 15.3(7) of the Building Code Act, 1992 so as to provide for:
- (i) repair of the property; or
 - (ii) clearing of all buildings, structures or debris from the site and the leaving of the site in a graded and levelled condition,
- where the cost of doing the work does not exceed \$20,000.
- 31(6) Where the cost of doing the work exceeds \$20,000, the Building Department shall seek the authorization from City Council to carry out the requirements of the order.
- 31(7) Upon completion of the work referred to in section 31(5), the municipality shall have a lien on the land for the amount spent on the repair or demolition, and the amount shall be deemed to be municipal real property taxes and may be added by the clerk of the municipality to the collector's roll and collected in the same manner and with the same priorities as municipal real property taxes.

RIGHT TO ENTER AND INSPECT

- 32(1) An officer acting under this by-law or any person acting under his or her instructions
- (a) may, at any reasonable time, and upon producing proper identification, enter upon any property without a warrant for the purpose of inspecting the property to determine
 - (i) whether the property conforms with the standards prescribed in the by-law
 - (ii) whether an order made under this by-law has been complied with
 - (b) Notwithstanding the above, a Property Standards Officer shall not enter or remain in any room or place actually used as a dwelling unless,
 - (i) the consent of the occupier is obtained, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a warrant issued under the Building Code Act, 1992.
 - (ii) the delay necessary to obtain a warrant or the consent of the occupier would result in an immediate danger to the health and safety of any person
 - (iii) a warrant issued under the Building Code Act, 1992 is obtained.
 - (iv) the entry is necessary to repair or demolish the property in accordance with an Order issued under this By-Law and the Officer, within a reasonable time before entering the room or place, serves the occupier with Notice of the Officer's intention to enter the room or place.

NOTICE OF VIOLATION

- 33(1) If, after inspection, an officer is satisfied that in some respect the property does not conform with the standards, he or she may issue an order to the owner and such other persons affected by it as the officer determines and a copy of the order may be posted on the property.
- 33(2) The order referred to in subsection (1) hereof shall,
- (a) state the municipal address or the legal description of the property.
 - (b) give reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris, or refuse and left in a graded and levelled condition
 - (c) indicate the time for complying with the terms and conditions of the order and give notice that, if the repair or clearance is not carried out within that time, the municipality may carry out the repair or clearance at the owner's expense; and
 - (d) indicate the final date for giving notice of appeal from the order
 - (e) be served or caused to be served,
 - (i) by personal service, or
 - (ii) by prepaid registered mail sent to the last known address of the person to whom notice is to be given or to that person's agent for service

APPEAL OF ORDER

- 34(1) An owner or occupant who has been served with an order made under this By-law, and who is not satisfied with the terms or conditions of the order may appeal to the Property Standards Committee by sending a notice of appeal by registered mail to the secretary of the committee within 14 days after being served with the order.
- 34(2) An order that is not appealed within the time referred to above shall be deemed to be confirmed.
- 34(3) If an appeal is taken, the Committee shall hear the appeal and shall have all the powers and functions of the officer who made the order and may,
- (a) confirm, modify or rescind the order to demolish or repair
 - (b) extend the time for complying with the order if, in the committee's opinion, the general intent and purpose of the by-law and of the official plan or policy statement are maintained.
- 34(4) The city in which the property is situate or any owner or occupant or person affected by a decision under Section 34(3) may appeal to a Judge of the Ontario Court (General Division) by notifying the Clerk of the City in writing and by applying to the Ontario Court (General Division) for an appointment within 14 days after the sending of a copy of the decision
- 34(5) A Judge of the Ontario Court (General Division) shall appoint, in writing, a time and place for the hearing of the appeal and may direct in the appointment the manner in which and upon whom the appointment is to be served.

- 34(6) On the appeal, the Judge has the same powers and functions as the Committee.
- 34(7) An order that is deemed to be confirmed or modified by the Committee or Judge, shall be final and binding upon the owner and occupant who shall carry out the repair or demolition within the time and in the manner specified in the order.

RESPONSIBILITIES OF LESSEE

- 35(1) The occupant of any property to the extent that he or she is made responsible by the lease or agreement under which he or she occupies the property, shall be required to repair and maintain the property in accordance with the standards.

REGISTRATION OF ORDER

- 36(1) An order issued pursuant to subsection (1) of Section 33 may be registered in the Land Registry or Land Titles Office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served under the provisions of this by-law.
- 36(2) When the requirements of the order have been satisfied, the Clerk of the Corporation shall forthwith register in the Land Registry or Land Titles Office a certificate that such requirements have been satisfied, which shall operate as a discharge of such order.

POWER OF CORPORATION TO REPAIR OR DEMOLISH

- 37(1) (a) If the owner or occupant of a property fails to repair or to demolish the property in accordance with an order as confirmed or modified, the City in addition to all other remedies.
- (i) may repair or demolish the property,
 - (ii) may clear the site of all buildings, structures, debris or refuse and leave the site in a graded and levelled condition; and or
 - (iii) may make the site safe or impede entry by erecting fences, barricades or barriers
- (b) for the purposes of section 33(1) the property standards officers and the City's agents may from time to time enter in and upon the property;
- (c) Despite Section 31(2) of the Building Code Act, 1992, the City or an officer acting on its behalf shall not be liable to compensate the owner, occupant or any other person having an interest in the property by reason of anything done by or on behalf of the City in the reasonable exercise of its powers under the provisions of this section.

PROPERTY STANDARDS COMMITTEE

- 38(1) A committee to be known as The Property Standards Committee of the City of Hamilton is hereby continued.
- 38(2) The Property Standards Committee for the City of Hamilton shall consist of 5 ratepayers of the City to be appointed by Council for a 3 year term . The members of the Committee shall hold office until their successors

have been appointed. Any vacancy on the Committee shall be filled forthwith by Council.

- 38(3) For the purpose of this Section, "ratepayer" shall mean either an owner of property in Hamilton or a tenant shown on the last revised assessment roll of a property located in Hamilton.

CERTIFICATE OF COMPLIANCE

- 39(1) Every owner may make an application to the City for a certificate of compliance by lodging the application with the Property Standards Officer.
- 39(2) The applicant shall pay the fees referred to in The Building Permit and Fees By-Law No. 93-018 or any successor By-Law for a certificate of compliance applicable at the time the application is made.

PENALTIES

- 40(1) Any owner who fails to comply with an Order which is final and binding is guilty of an offence and upon conviction shall be liable to a fine of not more than \$25,000 for a first offence and to a fine of not more than \$50,000 for any subsequent offence.
- 40(2) Despite subsection (1) if a Corporation is convicted of an offence under this By-Law, the maximum penalty that may be imposed on the Corporation is \$50,000 for a first offence and \$100,000 for any subsequent offence.

PROCEEDINGS CONTINUED

- 41(1) Any order issued or proceeding conducted under By-laws No. 74-74 or 94-185 shall be deemed to continue under this By-law and any reference to By-laws No. 74-74 or 94-185 shall be deemed to refer to this By-law.
- 41(2) In the recovery or enforcement of penalties and forfeitures incurred, or in any other proceeding in relation to matters that have happened before the repeal of By-Laws No. 74-74 or 94-185 of the Corporation, as amended, the procedure established by this By-Law shall be followed so far as it can be adopted.

REPEAL

- 42 By-Law No. 94-185, as amended as enacted by Council on the 8th November, 1994 and the following By-Laws are hereby repealed:
95-226 and 98-104
- 43 This By-Law comes into force on the date of passing.

PASSED **this** **29th** **day of** **SEPTEMBER,** **1998**

CITY CLERK

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 98—

To Remove
Land within the "Tiffany, Phase 2" Subdivision, Plan 62M-850
from Part Lot Control

WHEREAS subsection 5 of Section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of Section 50 of the Planning Act, states, in part, as follows:

- (7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.
- (7.1) **Requirement for approval of by-law.** -- A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.
- (7.2) **Exemption from approval.** -- An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.
- (7.3) **Expiration of by-law.** -- A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.
- (7.4) **Extension of time period.** -- The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.
- (7.5) **Amendment or repeal.** -- The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of Section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton-Wentworth pursuant to Section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of Section 50 of the Planning Act, for the purposes of establishing maintenance easements shall not apply to the following lands:

Lots 2 to 21, inclusive, within Registered Plan Number 62M-850, in the City of Hamilton, Regional Municipality of Hamilton-Wentworth.

2. (a) This by-law shall come into force and effect on the date of its approval by Council of The Regional Municipality of Hamilton-Wentworth.
- (b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.
- (c) This By-law shall expire on October 1, 1999.

PASSED this 29th day of September

A.D. 1998.

City Clerk

Mayor

BY-LAW NO. 98 -

CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 29th DAY OF SEPTEMBER, 1998.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 29th day of September 1998

CITY CLERK

MAYOR

C44 ON HBL AOS
A31
1998



*The Urban/Municipal Collection
2nd Floor
Hamilton Public Library
+ Bill*

1998 October 9

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**Tuesday, 1998 October 13
7:30 o'clock p.m.
Albion Rooms A, B & C
Hamilton Convention Centre**

URBAN MUNICIPAL

OCT 14 1998

**J. J. Schatz
City Clerk**

A G E N D A

GOVERNMENT DOCUMENTS

1. National Anthem.
2. Opening Prayer Reverend Kelvin Honsinger
Mission Services
3. Mayor to welcome Paul Godfrey, President & CEO, Sun Media Corporation.
4. Adoption of the minutes of the meetings held:
 - (a) 1998 September 25 (special meeting)
 - (b) 1998 September 28 (special meeting)
 - (c) 1998 September 29 (regular meeting)
 - (d) 1998 October 6 (special meeting)
5. Correspondence.
6. Reports of the Standing Committees:
 - (a) Transport and Environment Committee
 - (b) Parks and Recreation Committee
 - (c) Planning and Development Committee
 - (d) Finance and Administration Committee
7. Tabled Motion from previous meeting.



8. Notices of Motion for next meeting.
9. Question Period.
10. Adjournment.

MINUTES

Minutes of Committee of the Whole\City Council
Friday, 1998 September 25
10:00 o'clock a.m.
Webster Room B & C
Hamilton Convention Centre

The Council met:

Present: Mayor R. M. Morrow, Chairman.
Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, D. Haining,
D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Jackson, B. Charters,
B. Kelly, F. D'Amico, D. O'Sullivan.

Absent: Alderman B. Morelli – Other Business
Alderman T. Anderson – Other Business

Mayor R. M. Morrow called the meeting to order.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole respecting the appointment of General Managers for the Amalgamated Structure for the City/Region be now considered in Committee of the Whole. The Council then went into Committee of the Whole, with Mayor Morrow in the Chair.

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath,
R. Corsini, D. Haining, D. Wilson, G. Copps, C. Collins,
F. Eisenberger, T. Jackson, B. Charters, B. Kelly, F. D'Amico,
D. O'Sullivan. -15.

NAYS: -0.

CARRIED.

COMMITTEE OF THE WHOLE – TWENTY-FIRST REPORT
Appointment of General Managers

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole respecting the appointment of General Managers for the Amalgamated Structure for the City/Region, be adopted.

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath,
R. Corsini, D. Haining, D. Wilson, G. Copps, C. Collins,
F. Eisenberger, T. Jackson, B. Charters, B. Kelly, F. D'Amico,
D. O'Sullivan. -15

NAYS: -0.

CARRIED.

* * * * *

City Council then adjourned at 1:00 o'clock p.m.

* * * * *

Taken as read and approved.

**MAYOR R. M. MORROW
CHAIRMAN**

S. G. Hollowell, Acting Clerk
1998 September 25
SGH/dg

REPORT OF THE COMMITTEE OF THE WHOLE

To the Council of the Corporation of the City of Hamilton.

Members of Council

The Committee of the Whole presents its **TWENTY-FIRST** Report for 1998 and respectfully recommends:

1. That Mr. James Bruzzese be appointed to the position of General Manager-Corporate Services for the Amalgamated Structure for the City\Region, and that the City Manager be authorized to negotiate a contract of employment with Mr. James Bruzzese.
2. That Mr. Allan Ross be appointed to the position of General Manager-Department of Finance for the Amalgamated Structure for the City\Region, and that the City Manager be authorized to negotiate a contract of employment with Mr. Allan Ross.
3. That the following Bill be adopted, signed, sealed and enrolled as a By-law:

E-18: A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

RESPECTFULLY SUBMITTED

MAYOR R. M. MORROW, CHAIRMAN

S. G. Hollowell
Acting City Clerk
1998 September 25
/dg

Minutes of Committee of the Whole\City Council
1998 September 28
12:30 o'clock p.m.
Room 233, City Hall

The Council met:

Present: Mayor R. M. Morrow, Chairman.
Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli,
D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Jackson,
B. Charters, T. Anderson, B. Kelly, F. D'Amico.

Absent: Alderman D. O'Sullivan - Other Business

Mayor R. M. Morrow called the meeting to order.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole respecting the structure for the Transportation and Operations Division for the Amalgamated Structure for the City/Region, be now considered in Committee of the Whole. The Council then went into Committee of the Whole, with Mayor Morrow in the Chair.

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath,
R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins,
F. Eisenberger, T. Jackson, B. Charters, T. Anderson, B. Kelly, F. D'Amico.-16.

NAYS: -0.

CARRIED.

COMMITTEE OF THE WHOLE – TWENTY-SECOND REPORT
Transportation and Operations Division Amalgamated Structure

Section 1 Re: Transportation and Operations Division

Recorded vote.

YEAS: Aldermen M. Kiss, B. Morelli, D. Haining, G. Copps, C. Collins, B. Charters,
T. Jackson, T. Anderson, F. D'Amico –9.

NAYS: Mayor R. M. Morrow, Aldermen M. Caplan, A. Horwath, R. Corsini, D. Wilson,
F. Eisenberger, B. Kelly. –7. **CARRIED.**

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole respecting the Transportation and Operations Division for the Amalgamated Structure for the City/Region, be adopted.

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath,
R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins,
F. Eisenberger, T. Jackson, B. Charters, T. Anderson, B. Kelly, F. D'Amico,
-16.

NAYS: -0. **CARRIED.**

City Council then adjourned at 1:45 o'clock p.m.

Taken as read and approved.

MAYOR R. M. MORROW
CHAIRMAN

J. J. Schatz, City Clerk,
1998 September 28
JJS/dg

REPORT OF THE COMMITTEE OF THE WHOLE

To the Council of the Corporation of the City of Hamilton.

Members of Council

The Committee of the Whole presents its **TWENTY-SECOND** Report for 1998 and respectfully recommends:

1. That the Transportation and Operations Division for the combined Administration, Option # 2 as presented by the City Manager be approved with the understanding that the current City of Hamilton Streets and Sanitation functions are included with the Maintenance function; the current Park Maintenance and Forestry functions are included with the Cemetery function and that the Fleet Services is included within the Division

Recorded vote.

YEAS: Aldermen M. Kiss, B. Morelli, D. Haining, G. Copps, C. Collins, B. Charters, T. Jackson, T. Anderson, F. D'Amico -9.

NAYS: Mayor R. M. Morrow, Aldermen M. Caplan, A. Horwath, R. Corsini, D. Wilson, F. Eisenberger, B. Kelly. -7. **CARRIED.**

2. That the following Bill be adopted, signed, sealed and enrolled as a By-law:

E-19: A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

RESPECTFULLY SUBMITTED

MAYOR R. M. MORROW, CHAIRMAN

J. J. Schatz,
City Clerk
1998 September
JJS/dg

Minutes of Hamilton City Council
Tuesday, September 29, 1998
7:30 o'clock p.m.
Hamilton Convention Centre

The Council met:

There were present: Mayor R. M. Morrow, Chairman; Aldermen M. Kiss, A. Horwath, R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Jackson, B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan

Absent: Alderman M. Caplan – Religious Observance

Mayor R. M. Morrow called the meeting to order.

Father David Wynen, Cathedral Christ the King led Council in prayer.

PRESENTATIONS

Mayor R. M. Morrow was presented with a Painting from Vincent Gagliardo to the City of Hamilton.

* * * * *

Mayor R. M. Morrow presented a Certificate of Recognition to Constable Mike Joy in recognition of his receiving a Medal of Bravery.

* * * * *

Mayor R.M. Morrow presented Certificates of Recognition to the Hamilton Transway Club - 1998 Sears Ontario Provincial Basketball Championships as listed:

Atom

**Sarah Back
Katie Kiely
Rebecca Spleit**

**Devyn Cuncic
Elena Kybartas
Laura Stringer**

**Natalie Djurcjevic
Emily O'Brien
Caitlin Venner**

**Aleesha Harris
Melajna Selenger
Erin Huddleston**

Coaches

Lorne Venner

Jason Fletcher

Minor Bantam

Samantha Wood	Gillian Valvasori	Taylor Smith	Lauren Valvasori
Ashely Amodeo	Tamika Nurse	Raquel Rakovac	Amanda D'Ortenzio
Alaine Hutton	Marie Warner	Amanda Tofano	Lindsay Anderson

Coaches

Richard Nurse	Cathy Nurse	Amos D'Ortenzio
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Bantam Team

Jessie Tomasin	Angela Valvasori	Erin Belot	Rachel Hart
Heather Angus	Jessie Lamparski	Jessica Selenger	Vanessa Casuccio
Justine Panavas	Marine Rusich	Carolyn Crnac	Julia Critchley
Cari te Boekhorst			

Coach

Larry Angus

Midget Team

Rebecca McColl	Julie Lamparski	Alana Juzenas	Shona Thorburn
Sarah Zagorski	Ashleigh Cuncie	Kristina Murphy	Caitlin Miziolek
Krysten Adams	Kim Salem	Lindsay Sones	

Coaches

Kelly Dunham	Lisa Ciancone
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The Ontario Volleyball Championships held in London, Ontario

Juvenile Seekers

Beth Lawlor	Holly Strauss	Jennifer Davis	Kristina Markovic
Maria DiLivio	Sanja Malic	Lisa Cosentino	Agnes Jankowski
Sarah Vinall	Katherine Dymkowski		

Canadian Midget Champions

Midget Seekers

Sarah Vinall	Melissa Whaley	Kelly Dumas	Lauren Cosentino
Lori Maloney	Lisa Spencer	Nicole Trombetta	Stephanie Car

Coaches

Mike Campanella	Stu McCarthy	Rob Luciani
George Vinall	Jerry Crapsi	Andy Burns
Dennis Collins	Frank Lilliman	

ADOPTION OF MINUTES

The following minutes were adopted as circulated:

- (a) June 30, 1998 (regular meeting)
- (b) July 7, 1998 (special meeting) (adopted as amended)
- (c) July 9, 1998 (special meeting)
- (d) July 30, 1998 (special meeting)
- (e) August 5, 1998 (special meeting)
- (f) August 12, 1998 (special meeting)
- (g) September 8, 1998 (special meeting); and,
- (h) September 16, 1998 (special meeting)

were adopted as circulated.

CORRESPONDENCE

1. Letter dated 1998 September 17 from the Ainslie Wood/Westdale Community Association respecting concerns in their neighbourhood.

Referred to the Transport and Environment Committee and the Planning and Development Committee.

2. Application dated 1998 September 2 from Alfredo and Emidio Massi, 126 Alderson Drive, Hamilton, Ontario for a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District (Block "1"), "R-4" (Small Lot Single Family Dwelling) District (Block "2") and "C" (Urban Protected Residential, etc.) District (Block 3") for lands located south of Stone Church Road West and west of West 5th Street, known municipally as 99 Stone Church Road West, and a draft approval of a plan of subdivision for 18 lots for small lot single family dwellings, 11 lots for single family dwellings, 1 block for townhouse dwellings, 2 blocks to be developed with the abutting lands, 1 block for road widening purposes and to establish 2 streets for lands located south of Stone Church Road West and west of West 5th Street, known municipally as 99 Stone Church Road West, Hamilton, Ontario .

Received.

3. Application dated 1998 September 22 from Sunoco Inc., c/o Don Woods, 11 Heathcliffe Square, Brampton, Ontario for a change in zoning from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial, etc.) District for lands located at 615 Mohawk Road West, Hamilton, Ontario.

Received.

4. Application dated 1998 September 22 from Silvestri Investments, 120 King Street W., Hamilton, Ontario for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for lands located at the rear of 381-385 Stone Church Road East, Hamilton, Ontario.

Received.

5. Application dated 1998 September 23 from Francesco Agostino, 52 St. Matthews Avenue, Hamilton, Ontario for a change in zoning from "G-3" (Public Parking Lots) District to "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District modified for 11 Cheever Street, Hamilton.

Received.

6. Letter dated 1998 September 24 from Russell D. Cheeseman, Barrister and Solicitor, 161 Bay Street, Suite 3730, P.O. Box 605, Toronto, Ontario respecting Plan of Condominiums – Conversions for various properties.

Received.

7. Letter dated 1998 September 24 from Mary Beveridge, 8 Barker Avenue, Hamilton, Ontario regarding an OMB Decision.

Referred to the Finance and Administration Committee.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Copps that the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, and the Finance and Administration Committee, be considered in Committee of the Whole with Alderman O'Sullivan in the chair.

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, A. Horwath, R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Jackson, T. Anderson, B. Charters, B. Kelly, F. D'Amico, D. O'Sullivan. –16.

NAYS: -0.

CARRIED.

TRANSPORT AND ENVIRONMENT COMMITTEE – TENTH REPORT

Rule No. 9 Re: Noise Complaint

It was moved by Alderman Collins and seconded by Alderman Eisenberger that Rule No. 9 of the City's Procedural By-law No. 95-167 be invoked for this meeting of City Council in order to allow the introduction of a resolution respecting a noise complaint. **CARRIED.**

* * * * *

Section 19 Re: Noise Complaint

It was moved by Alderman Collins and seconded by Alderman Eisenberger that the following resolution be added as Section 19 of the **Tenth** Report of the Transport and Environment Committee for 1998:

- (a) That the City of Stoney Creek, Licencing Committee, be advised that the City of Hamilton has received complaints about noise emanating from Carrera's Restaurant, No. 931 Queenston Road, Stoney Creek; and,
- (b) That the City of Stoney Creek be asked to respond to these concerns and advise on what action can be taken to address the problem." **CARRIED.**

PARKS AND RECREATION COMMITTEE – NINTH REPORT

Section 4 Re: Leash Free Zone – One Year Trial Program

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, A. Horwath, R. Corsini, B. Morelli, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Jackson, T. Anderson, B. Charters, B. Kelly, F. D'Amico, D. O'Sullivan. -16.

NAYS: Alderman D. Haining -1.

CARRIED.

* * * * *

Rule No. 9 Re: Proposed Waterfront Purchase from CN Rail

It was moved by Alderman Morelli and seconded by Alderman Haining that Rule No. 9 of the City's Procedural By-law No. 95-167 be invoked for this meeting of City Council in order to allow the introduction of a resolution respecting the proposed Waterfront Purchase from CN Rail.

CARRIED.

* * * * *

Section 10 Re: Canadian National Railway – Stuart Street Yards harbour shoreline

It was moved by Alderman Morelli and seconded by Alderman Haining, that the following resolution be added as Section 10 of the **Ninth** Report of the Parks and Recreation Committee for 1998:

- (a) That the City purchase from Canadian National Railways that portion of its Stuart Street Yard's harbour shoreline situate between Desjardins Canal on its West and Bayfront Park on its East and having a width of not less than 3 metres, together with CNR's adjacent waterlot, subject to and upon the following terms and conditions:

(i)	Purchase price	\$1,714,687	(deposit \$180,000)
	CNR expenses	<u>\$ 245,000</u>	
	Total purchase price	\$1,959,687	

- (ii) Closing date: 1998 December 14; and,
- (iii) CNR shall use its best efforts to remove debris prior to closing. City agrees to erect and maintain a barrier within 30 days of completing the purchase, along easterly limit of the property to prevent access to the property until such time as the City has erected the fence (discussed below) along the property line. CNR shall not be required to remove the balance of its improvements until 180 days after Notice from the City. Such Notice shall not require vacant possession until after June 15 in any year and CNR shall not be required to handle removal during the November 15 to April 15 period. CNR shall not be required to remove any buildings. After completion of the transaction, CNR shall have a Licence to re-enter the property to remove CNR's improvements, such Licence to continue until sixty days after the expiry of the said notice from the City; and,
- (iv) City agrees to erect at City expense a fence prior to City's use or development of the property as a trail, upon design specifications approved in advance by CNR. City agrees to enter into an agreement with CNR prior to completion of the purchase to confirm the City shall, at its expense be responsible for the maintenance of the fence, its signs and fixtures, save and except for any damage to the fence arising as a result of the actions of CNR or its tenants on the lands being retained by CNR; and,

- (v) Lands and waterlot included in purchase are described generally as Parts 1, 6, 25 and 34 on a draft Reference Plan prepared by Yates & Purcell Ltd, Surveyors, numbered as PS-97-049 and described as Parts 1 & 3 on their draft Reference Plan numbered as PS-98-3, (an area of land & land covered by water of about 28 acres); and,
- (vi) City agrees to accept, on closing, a transfer to the City of the property, subject to:
 - 1. all registered or unregistered agreements with municipalities and publicly or privately regulated utilities; and,
 - 2. all registered or unregistered easements, rights, covenants and/or restrictions in favour of municipalities, publicly or privately regulated utilities or adjoining owners, or that otherwise run with the land; and,
 - 3. any encroachments as may be revealed by an up-to-date survey; and,
 - 4. the Permitted Encumbrances set out in a Schedule annexed to this report. The City agrees to satisfy itself with respect to compliance with all such agreements, restrictions or covenants and agrees that CNR shall not be required to provide any evidence of compliance with same; and,
- (vii) In the event that following completion, any authority, including a public or private utility, claims an easement, right of way or other right of use over, under, along or upon a below grade portion of the property and such authority makes a claim or threatens to bring an action against and/or involving CNR to assert such claim, the Purchaser agrees, to grant a registered easement to any such authority, following completion, if CNR requests that the City do so to give effect to any unregistered rights already enjoyed by such authority, if applicable, on terms to be arranged between the City and the authority; and,
- (viii) City agrees:
 - (aa) that the use of the property will not interfere with or conflict with the use, enjoyment and operation of the Rail Yard as part of an active railway operation; and,
 - (bb) that no path, road, bridge, structure, building and/or other improvement may be built, constructed, materially altered and/or employed upon the property, unless all aspects of the construction, use and design have been:
 - (i) approved by CNR, acting reasonably, in writing and in advance, where such proposed improvement amounts to a material alteration of the use of the property as a recreational urban trail comprised of a path on the ground which has a hard surface with the requisite landscaping, benches and other related improvements on the ground; or

- (ii) approved of by CNR, acting reasonably, in writing and in advance, where such proposed improvement would effect drainage, lighting requirements and/or the required fence; or
- (iii) described to CNR in sufficient detail in a written notice delivered so as to allow CNR a reasonable period of time and a reasonable opportunity to review, consider and provide comments to the City, which comments the City shall carefully review, consider and discuss with CNR in a meaningful and consultative fashion, although the City shall not be obliged to accept such comments if the City is not satisfied that such comments are appropriate, where such proposed Improvement does not amount to an Improvement described above.

City agrees, prior to completion of this transaction, to enter into an agreement pertaining to the matters referred to in this paragraph which agreement will be prepared by the solicitors for CNR and contain such terms as CNR and the City consider appropriate, acting reasonably; and,

- (ix) City agrees it shall be responsible to remedy, respond to or otherwise deal with any complaints, concerns, issues and/or claims arising from the property and its proximity to the existence, use and/or operation of the Rail Yard and any noise, vibration, or other nuisance resulting from the operation of the Rail Yard, provided that such complaint, concern, issue and/or claim arises from an aspect of the use and operation of the Rail Yard which does not violate any of the relevant requirements of the Canada Transportation Commission. The CNR shall be fully responsible to respond to, deal with and address all complaints, concerns, issues and/or claims which arise from any alleged operation of the Rail Yard in violation of the relevant requirements of the Canada Transportation Commission; and,
- (x) City agrees that on the completion of this transaction, the City shall deliver to the CNR an indemnity, in a form and containing such terms as are acceptable to the CNR, acting reasonably, indemnifying and saving harmless the CNR, its successors and assigns, from and against any liabilities, costs, damages, expenses and/or claims, arising as a result of and/or in relation to the negligence and/or wilful misconduct of the City in the use of the property by the City, its successors, assigns, licences, invitees, employees, contractors, agents, and others who may be upon the property from time to time.

Such indemnity shall include the covenant of the City not to object to and/or complain arising from the property and its proximity to the use and operation of the Rail Yard for purposes related to the operation of an active railway.

Furthermore, such indemnity shall stipulate that the City is responsible at its sole cost, to take all reasonable care and implement appropriate measures to prevent any trespass from the property to the lands to be retained by the CNR, including the Rail Yard, as the CNR shall have no such obligation; and,

- (xi) City and CNR shall enter into an agreement regarding City's trail intended to pass beneath the CNR rail bridge above the Desjardins Canal as required by the federal Canadian Transportation Act. The City shall allow CNR to use the City trail upon and over the Desjardins Canal, for purposes of CNR's access to its bridge for inspection and maintenance of the CNR rail bridge; and,
- (xii) CNR makes no representation to the City regarding the condition of the property. City may inspect the property's environmental conditions with its consultants and agrees to provide true copies of all letters, reports and evaluations, in draft and final form, on the condition of the property to CNR.

If the Report(s) discloses environmental contamination not acceptable to the City or to CNR, either party may cancel this transaction by Notice to the other party on or before 1998 December 10, ; and,

- (xiii) If CNR has not cancelled the sale and the City completes the Purchase, the City agrees to accept the condition of the property "as is", and shall comply with all orders issued against the property if any, including any order issued against CNR; and,
- (xiv) City releases and forever discharges CNR from any liability or obligation in respect of any costs, including legal and witness costs, claims, demands, civil actions, prosecutions, or administrative hearings, fines, judgments, awards, including awards of costs, that may arise as a result of the condition of the property, any order issued in connection with the condition of the property, or any loss, damage, or injury caused either directly or indirectly as a result of the condition of the property, save and except for any environmental contamination the City can establish was caused by the migration of contaminants following completion from adjacent lands owned by CNR to the property; and,

City also agrees to indemnify and save harmless the Vendor from any liability or obligation in respect of the environmental condition of the property, including costs, including legal and witness costs, claims, demands, civil actions, prosecutions or administrative hearings, fines, judgments, awards, including awards of costs, which may result from:

1. any action by any government agency, tribunal or other authority, including the Ministry of the Environment; and/or
2. any increase in the obligations of the Vendor and/or Purchaser with respect to the environmental condition of the property which result from any alteration in the use of the property in accordance with a site specific risk assessment to be undertaken by the Purchaser as a nature trail for recreational use in parkland; and/or

3. any failure by the Purchaser to comply with the recommendations and/or stipulations with respect to the use and environmental condition of the property made as a result of the site specific risk assessment to be undertaken by the Purchaser in respect of the property.

In the event that it is established by the City that any contaminants upon the property migrated to the adjacent lands owned by and retained by CNR prior to completion, CNR shall not seek compensation from the City for such contamination of such adjacent lands which occurred prior to completion for which the City was not responsible; and,

- (b) The City shall grant to CNR at or prior to completion of this purchase:
 - (i) an easement and right of way for an existing driveway access located upon City land (Parts 23 and 24, 62R-12134,) located between Harbour Front Drive and the Northerly limit of land being retained by CNR; and,
 - (ii) an easement and right of way for vehicular access from the existing CNR service road turnaround across and upon the City trail for CNR's access to inspect or maintain its rail bridge above the Desjardins Canal; and,
 - (iii) an easement and right of way for access upon the Desjardins Canal portion of the City's walkway trail to inspect and maintain CNR's rail bridge crossing and above the Desjardins Canal; and,
- (c) That the Mayor and City Clerk be authorized to execute an Offer to Purchase from CNR the said property incorporating the said terms and related conditions and to execute the said easements, documents and agreements authorized above to be entered into by the City with CNR. The City's Offer to Purchase to CNR shall be irrevocable and open for acceptance by CNR until 1998 October 23. The said Offer incorporating the said terms, the said easements and other agreements shall be in a form satisfactory to the City Solicitor and the Commissioner of Public Works and Traffic.

CARRIED.

PLANNING AND DEVELOPMENT COMMITTEE – FIFTEENTH REPORT
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Section 7 Re: Loan – Downtown Convert/Renovate-to-Residential Loan Program – 25 Hughson Street South

It was moved by Alderman Charters and seconded by Alderman Eisenberger that Section 7 of the Fifteenth Report of the Planning and Development Committee be tabled. **CARRIED.**

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It was moved by Alderman D'Amico and seconded by Alderman Kelly that Section 7 of the Fifteenth Report of the Planning and Development Committee which was tabled earlier at this meeting be now lifted from the table and considered. **CARRIED.**

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It was moved by Alderman D'Amico and seconded by Alderman Kelly that Section 7 of the Fifteenth Report of the Planning and Development Committee be tabled for two weeks.. **CARRIED.**

Recorded vote.

YEAS: Aldermen M. Kiss, A. Horwath, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Jackson, T. Anderson, B. Charters, D. O'Sullivan. - 12.

NAYS: Mayor R. M. Morrow, Aldermen R. Corsini, B. Kelly, F. D'Amico. -4. **CARRIED.**

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Section 8 Re: Application CDM-CONV-98-004 – Kendale (11-21) Inc. – 11 Kendale Court

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Jackson, T. Anderson, B. Charters, B. Kelly, F. D'Amico, D. O'Sullivan. -15.

NAYS: Alderman A. Horwath. -1. **CARRIED.**

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Section 9 Re: CDM-CONV-98-005 – Kendale (11-21) Inc. – 21 Kendale Court

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Jackson, T. Anderson, B. Charters, B. Kelly, F. D'Amico, D. O'Sullivan. -15.

NAYS: Alderman A. Horwath. -1. **CARRIED.**

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Section 10 Re: CDM-CONV-98-006 – George Sinclair Construction Inc. – 65 Mount Albion Road Court

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Jackson, T. Anderson, B. Charters, B. Kelly, F. D'Amico, D. O'Sullivan. -15.

NAYS: Alderman A. Horwath. -1.

CARRIED.

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Section 11 Re: CDM-CONV-98-008 –C & H Rowe – 1950 Main Street West

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Jackson, T. Anderson, B. Charters, B. Kelly, F. D'Amico, D. O'Sullivan. -15.

NAYS: Alderman A. Horwath. -1.

CARRIED.

<p>PLANNING AND DEVELOPMENT COMMITTEE – SIXTEENTH REPORT</p>

Section 1 Re: Gamesmanship Equipment Inc. – 105-115 King Street East, 117 King Street East, 80 King William Street, 80A King William Street and 77 King William Street – Building rehabilitation and conversion

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, A. Horwath, R. Corsini, B. Morelli, D. Haining, D. Wilson, C. Collins, F. Eisenberger, T. Jackson, T. Anderson, B. Charters, B. Kelly, F. D'Amico, D. O'Sullivan. -15.

NAYS: Alderman G. Copps. -1.

CARRIED.

* * * * *

Section 2 Re: CDM-CONV-98-007 - Barton Ellis Holdings Limited (In Trust) – 293 Mohawk Road East

It was moved by Alderman Copps and seconded by Alderman Haining that Section 2 of the Sixteenth Report of the Planning and Development Committee be referred back to the Planning and Development Committee. **CARRIED.**

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Section 3 Re: CDM-CONV-98-009 - Gaspar & Silva Ltd. – 37-57 Mericourt Road

It was moved by Alderman Copps and seconded by Alderman Haining that Section 3 of the Sixteenth Report of the Planning and Development Committee be referred back to the Planning and Development Committee. **CARRIED.**

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Section 4 Re: CDM-CONV-98-010 - Lapa Investments Ltd. – 893 Concession Street

It was moved by Alderman Copps and seconded by Alderman Haining that Section 4 of the Sixteenth Report of the Planning and Development Committee be referred back to the Planning and Development Committee. **CARRIED.**

* * * * *

Section 5 Re: Offer to Settle: Appeals – Official Plan Amendment No. 151 – Rental Housing

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, A. Horwath, R. Corsini, B. Morelli, D. Haining, D. Wilson, C. Collins, F. Eisenberger, T. Jackson, T. Anderson, B. Charters, B. Kelly, F. D'Amico, D. O'Sullivan. –15.

NAYS: Alderman G. Copps. -1.

CARRIED.

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Section 6 Re: 66-68 King Street East – Acquisition of Property

It was moved by Alderman D'Amico and seconded by Alderman Haining that the following be added as Section 6 of the Sixteenth Report of the Planning and Development Committee for 1998:

6. That no action be taken to acquire the property at 66 to 68 King Street East.

Recorded vote.

YEAS: Aldermen M. Kiss, B. Morelli, D. Haining, D. Wilson, C. Collins, F. Eisenberger, T. Jackson, T. Anderson, B. Charters, B. Kelly, D. O'Sullivan. -11.

NAYS: Mayor R. M. Morrow, Aldermen A. Horwath, R. Corsini, G. Copps, F. D'Amico -5 .
CARRIED.

FINANCE AND ADMINISTRATION COMMITTEE – EIGHTEENTH REPORT

Section 6 Re: G. & E. DeGregorio – Not waive 5% Land Dedication Fees for 181 John St. N.

Recorded vote.

YEAS: Aldermen M. Kiss, B. Morelli, D. Haining, G. Copps, D. Wilson, F. Eisenberger, B Charters, T. Jackson, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan -12.

NAYS: Mayor R. M. Morrow, Aldermen A. Horwath, R. Corsini, C. Collins. -4.
CARRIED.

* * * * *

Rule No. 9 Re: Breathing Air Compressors

It was moved by Alderman Wilson and seconded by Alderman Copps that Rule No. 9 of the City's Procedural By-law No. 95-167 be invoked for this meeting of City Council in order to permit consideration of a resolution respecting the purchase of two (2) Breathing Air Compressors.
CARRIED.

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Section 12 Re: Breathing Air Compressors

It was moved by Alderman Wilson and seconded by Alderman Copps that the following be added as Section 12 of the Eighteenth Report for 1998 of the Finance and Administration Committee:

- (a) That a purchase order be issued to Jordair Compressors Inc., Richmond, B.C., in the amount of \$169,489.30 including all applicable taxes, for the supply and delivery of two (2) Breathing Air Compressors complete with cascade systems (air storage) and fill stations, in accordance with Canadian Standard Association standard CAN3-Z180.1-M85 breathing air quality standard; and,

- (b) That the net cost to purchase two (2) Breathing Air Compressors complete with cascade system (air storage) and fill stations at a cost not to exceed \$162,490, be financed by a transfer of funds from the Reserve for Major Repairs to Mobile Equipment, Account Centre No. CH 00103. **CARRIED.**

* * * * *

Rule No. 9 Re: Payment of Expenses – Status of Women Committee

It was moved by Alderman Horwath and seconded by Alderman Corsini that Rule No. 9 of the City of Hamilton Procedural By-law be invoked for this meeting of City Council in order to permit consideration respecting payment of expenses of two members of the Status of Women Committee. **CARRIED.**

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Section 13 Re: Payment of Expenses – Status of Women Committee

It was moved by Alderman Horwath and seconded by Alderman Corsini that the following be added as Section 13 of the Eighteenth Report of the Finance and Administration Committee for 1998:

13. That notwithstanding the previous direction of the Finance and Administration Committee, payment be made to two current members of the Status of Women Committee for out of pocket expenses incurred by them as a result of their attendance at the Conference of the National Action Committee in June, 1998. **CARRIED.**

<p>ACTING MAYOR FOR THE MONTH OF OCTOBER, 1998</p>

It was moved by Alderman Kiss and seconded by Alderman Copps that Alderman Tom Jackson be appointed Acting Mayor for the month of October, 1998. **CARRIED.**

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Copps that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, and the Finance and Administration Committee, be adopted. **CARRIED.**

Minutes of Committee of the Whole\City Council
1998 October 6
4:00 o'clock p.m.
Room 233, City Hall

The Council met:

Present: Mayor R. M. Morrow, Chairman.
Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli,
D. Haining, D. Wilson, G. Copps, C. Collins, T. Jackson,
B. Charters, B. Kelly, F. D'Amico.

Absent: Aldermen F. Eisenberger – Civic Business
Alderman T. Anderson – Regional Business
Alderman D. O'Sullivan – Vacation

Mayor R. M. Morrow called the meeting to order.

* * * * *

Rule No. 3 Notice for a calling a meeting be waived.

It was moved by Alderman Copps and seconded by Alderman Charters that Rule No. 3 (d) of the City Procedural By-law respecting the notice required for calling a meeting of the Committee of the Whole\City Council be waived. **CARRIED.**

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole respecting the Amalgamated Administrative Structure for the City/Region be now considered in Committee of the Whole. The Council then went into Committee of the Whole, with Mayor Morrow in the Chair.

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath,
R. Corsini, B. Morelli, D. Wilson, G. Copps, C. Collins, T. Jackson,
B. Charters, B. Kelly, F. D'Amico. -13.

NAYS: -0.

CARRIED.

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COMMITTEE OF THE WHOLE – TWENTY-THIRD REPORT

**Amalgamated Administrative Structure – City\Region
Transportation and Operations Division**

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole respecting the Amalgamated Administrative Structure for the City/Region, be adopted.

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath,
R. Corsini, B. Morelli, D. Wilson, G. Copps, C. Collins, T. Jackson,
B. Charters, B. Kelly, F. D'Amico. -13

NAYS: -0.

CARRIED.

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City Council then adjourned at 5:20 o'clock p.m.

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Taken as read and approved.

**MAYOR R. M. MORROW
CHAIRMAN**

J. J. Schatz, City Clerk
1998 October 6

REPORT OF THE COMMITTEE OF THE WHOLE

To the Council of the Corporation of the City of Hamilton.

Members of Council

The Committee of the Whole presents its **TWENTY-THIRD** Report for 1998 and respectfully recommends:

1. (a) That the Transportation and Operations Division for the combined administration include an "Operations Division" which includes Streets, Sanitation, Forestry, Fleet, Parts of Traffic, Parks and Cemeteries; and,

(b) That the Manager of the "Operations Division" report to the General Manager of Transportation and Operations on all administrative matters, including meeting corporate goals and budget targets as set and approved by Hamilton City Council; and,

(c) That the Manager of the "Operations Division" report directly to Hamilton City Council on matters involving service standards and budget priorities; and,

(d) That the appointment of the Manager of the "Operations Division" be subject to the approval of Hamilton City Council; and,

(e) That the resolutions of Hamilton City Council respecting the Transportation and Operations Division as approved at its meetings held 1998 September 16 and 28 (item 4 of the 20th report of the Committee of the Whole and item 1 of the 22nd Report of the Committee of the Whole respectively), be rescinded; and,

(f) That a copy of this resolution be forwarded to Regional Council.
2. That the following Bill be adopted, signed, sealed and enrolled as a By-law:

E-20: A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

RESPECTFULLY SUBMITTED

MAYOR R. M. MORROW, CHAIRMAN

J. J. Schatz, City Clerk
JJS/dg

CORRESPONDENCE

Correspondence:

1. Letter dated 1998 October 9 from Robert C. Prowse, Regional Clerk respecting the Transportation and Operations division.

Recommendation: Be Received.

2. Application dated 1998 September 28 from Aurelio Marrone and Laurie Marrone, 1465 Upper Sherman Avenue, Hamilton, Ontario, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for lands located east of Upper Sherman Avenue, west of Eaglewood Drive, north of Dalia Avenue, at the rear of 1465 Upper Sherman Avenue.

Recommendation: Be Received.

3. Subdivision application dated 1998 October 1 from A. DiSilvestro, 161 Rebecca Street, Hamilton, Ontario, regarding 1620 Upper Wentworth Street "Wentwall Estates".

Recommendation: Be Received.



REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Office of the Regional Clerk
71 Main Street West, 1st Floor
P. O. Box 910
Hamilton, ON L8N 3V9

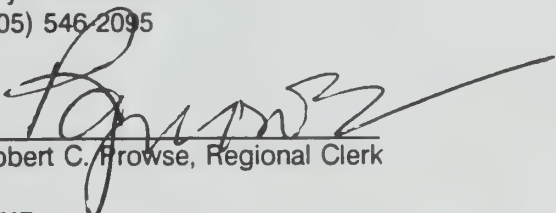
Tel. (905) 546-4154
Fax. (905) 546-2546
bprowse@hamilton-went.on.ca
WWW.hamilton-went.on.ca

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DATE: October 9, 1998

BY FAX TO: J. J. Schatz, City Clerk
City of Hamilton
(905) 546-2095

FROM: 
Robert C. Prowse, Regional Clerk

OF PAGES: ONE

This is to advise that Regional Council at its meeting of October 6, 1998, adopted the subjoined motion.

In recognition of the importance of promptness in conveying this information, I have taken the liberty of faxing this information. I trust this meets with your approval.

- "a) That the Transportation and Operations division for the combined administration include an "Operations Division" which includes Streets, Sanitation, Forestry, Fleet, Parts of Traffic, Parks and Cemeteries; and,
- b) That the Manager of the "Operations Division" report to the General Manager of Transportation and Operations on all administrative matters, including meeting corporate goals and budget targets as set and approved by Hamilton City Council; and
- c) That the Manager of the "Operations Division" report directly to Hamilton City Council on matters involving service standards and budge priorities; and,
- d) That the appointment of the Manager of the "Operations Division" be subject to the approval of Hamilton City Council; and,
- e) That the resolutions of Regional Council respecting the Transportation and Operations Division, as approved at its meeting held 1998 September 16, be rescinded; and,
- f) That a copy of this resolution be forwarded to Hamilton City Council.
- g) That the above structure serve as a transitional structure leading to the integration of its components within the amalgamated administration as a whole."

**TRANSPORT & ENVIRONMENT
COMMITTEE**

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Transport and Environment Committee presents its **ELEVENTH** Report for 1998 and respectfully recommends:

1. That the appropriate By-law, prepared to the satisfaction of the City Solicitor, to sell a walkway, being Block 8, Plan 62M-709 as closed by Judge's Order LT514469 designated as Parts 1 & 2 on Plan 62R-14304 be enacted by Council.
2. That the application of the City Clerk's Department to stop-up and close the unopened portion of Mountain Brow Drive designated as Parts 1 & 2 on Plan 62R-5340 and to sell those parts save and except the northerly 6.10m and the easterly 0.034m, adjacent to the west limit of Scenic Drive, be approved, subject to the following conditions:
 - (a) That the Commissioner of Transportation be directed to prepare a By-law to stop up and close Parts 1 & 2 on Plan 62R-5340; and,
 - (b) That the Commissioner of Transportation be directed to prepare a By-law to sell Parts 1 & 2 on Plan 62R-5340 save and except the northerly 6.10m and the easterly 0.034m to the abutting owner; and,
 - (c) That the Commissioner of Transportation be authorized to make application to the Regional Municipality of Hamilton-Wentworth for approval of the proposed closing, pursuant to Section 44 of the Regional Municipality Act R.S.O. 1990; and,
 - (d) That the Regional Surveyor prepare and register a reference plan under the Registry Act and that it delineate the manner in which the proposed closed portion is to be distributed to the abutting owner; and,
 - (e) That the City Clerk be authorized and directed to proceed with the disposition of the subject lands to the abutting owner; and,
 - (f) That the City Clerk be directed to publish a notice pursuant to Section 301 of the Municipal Act, R.S.O. 1990, of the City's intention to pass the By-law.

3. (a) That a "Permit Parking" regulation be implemented on the east side of Catharine Street North commencing at a point 106 feet south of Murray Street East and extending to a point 22 feet southerly therefrom, and on the west side of Catharine Street North commencing at a point 63 feet south of Murray Street East and extending to a point 18 feet southerly therefrom, and that the City Traffic No. 89-72 be amended accordingly; and,

(b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. Walter Chapple, No. 306 Catharine Street North.
4. That the existing "Permit Parking" regulation on the west side of Stirton Street commencing at a point 36 feet north of Cannon Street East and extending to a point 18 feet northerly therefrom be removed, and that the City Traffic By-law No. 89-72 be amended accordingly.
5. (a) That a "Permit Parking" regulation be implemented on the west side of Tisdale Street North commencing at a point 111 feet south of Wilson Street and extending to a point 18 feet southerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,

(b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. Frank Stinson, No. 65 Tisdale Street North.
6. (a) That the existing full-time "No Parking" regulation on the west side of Caroline Street North between King Street West and Napier Street be removed; and,

(b) That Caroline Street North between King Street West and York Boulevard be removed from the "through street" system such that overnight parking will be allowed; and,

(c) That the City Traffic By-law No. 89-72 be amended accordingly.
7. That southbound traffic on Chedoke Avenue be required to stop for eastbound and westbound traffic on Hillcrest Avenue, and that the City Traffic By-law No. 89-72 be amended accordingly.
8. That eastbound traffic on Lupin Avenue and westbound traffic on Thelma Avenue be required to stop for northbound and southbound traffic on East 45th Street, and that the City Traffic By-law No. 89-72 be amended accordingly.
9. That westbound traffic on Morgan Road be required to stop for northbound and southbound traffic on Clifton Downs Road and that the City Traffic By-law No. 89-72 be amended accordingly.

10.
 - (a) That a School Crossing Guard be assigned to the intersection of Mohawk Road East and Upper Ottawa Street during the morning and evening school crossing periods only, on a permanent basis; and,
 - (b) That consideration be given in the 1999 Current Budget deliberations for an expansion package of \$4,000 plus administrative costs for a School Crossing Guard at this location on a permanent basis.
11.
 - (a) That a "No Stopping" corner clearance be implemented on the north side of Bonaparte Way commencing at a point 58 feet east of the east curblane of Corsica Court and extending to a point 61 feet west of the west curblane of Corsica Court; and,
 - (b) That a "No Stopping" corner clearance be implemented on the east side of Corsica Court commencing at Bonaparte Way and extending to a point 50 feet northerly therefrom; and,
 - (c) That a "No Stopping" corner clearance be implemented on the west side of Corsica Court commencing at Bonaparte Way and extending to a point 50 feet northerly therefrom; and,
 - (d) That a "No Stopping" corner clearance be implemented on the north side of Bonaparte Way commencing at a point 50 feet east of the east curblane of Fusilier Drive and extending to a point 62 feet west of the west curblane of Fusilier Drive; and,
 - (e) That a "No Stopping" corner clearance be implemented on the east side of Fusilier Drive commencing at Bonaparte Way and extending to a point 50 feet northerly therefrom; and,
 - (f) That a "No Stopping" corner clearance be implemented on the west side of Fusilier Drive commencing at Bonaparte Way and extending to a point 50 feet northerly therefrom; and,
 - (g) That the City Traffic By-law No. 89-72 be amended accordingly.
12.
 - (a) That the existing Commercial Boulevard Parking Agreement registered as Instrument No. 1070, to the property at No. 71 Rebecca Street, be discharged at the property owner's expense; and,
 - (b) That the existing Commercial Boulevard Parking Agreement registered as Instrument No. 196780 C.D., to the property at No. 60 Catharine Street North, be discharged at the property owner's expense; and,
 - (c) That the owners of the property be directed to restore the boulevard with sod to its original condition or to barricade the boulevard and execute a parking agreement to prevent illegal parking in these areas; and

- (d) That the City Solicitor be authorized and directed to prepare the necessary documents in relation to the discharge of these two agreements.

- 13. (a) That Section XXI - Cost of Services Attributable to the 5% Lands of the City's Standard Form Subdivision Agreement, be deleted from the agreement and replaced with the following section:

Section XXI - Cost of Services Attributable to Lands Conveyed for Park Purposes

The City will compensate the Subdivider for the portion of the cost of services attributable to the parklands conveyed to the City as follows:

- (i) the City will pay the subdivider in cash for the portion of the cost of services directly attributable to the park lands, but only after the Subdivider has paid for the installation, and inspection of the required services; and,
- (b) That amendment (a) be applied to all subdivision agreements which Council approves schedules of work, after adoption of the amendment to the standard form subdivision agreement for the City of Hamilton.

- 14. (a) That the application of Fine Analysis Laboratories Ltd. to install and maintain a fibre optic communications cable under the Pritchard Road road allowance, be approved, subject to the following conditions.

- (i) That Fine Analysis Laboratories Ltd. enter into an agreement satisfactory to the City Solicitor and Commissioner of Transportation to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and,
- (ii) That Fine Analysis Laboratories or its designated contractor become a member of the Ontario One Call System, the underground locate agency; and,
- (b) That the Mayor and City Clerk be authorized to execute the City's standard form of agreement; and,
- (c) That Fine Analysis Laboratories Ltd. pay a first year fee \$266 and a subsequent annual fee of \$21.52 plus taxes if applicable.

- 15. (a) That the proposed process, appended hereto as Appendix "A", for initiating, planning, prioritizing and implementing traffic calming plans for City streets/neighbourhoods be approved; and,

- (b) That the Commissioner of Public Works and Traffic be directed to prepare a submission for consideration in the 1999 City Capital Budget for traffic calming initiatives on City streets; and,
 - (c) That the Commissioner of Public Works and Traffic be directed to prepare a pamphlet explaining traffic calming for public distribution; and,
 - (d) That the Commissioner of Public Works and Traffic be directed to investigate, in conjunction with the Hamilton-Wentworth Regional Police Department, and report back on the feasibility of designating "community safety zones" on City streets, as provided for in Provincial Bill 26 "an act to promote public safety through the creation of community safety zones"; and,
 - (e) That the Commissioner of Public Works and Traffic be directed to investigate and report back on the feasibility of establishing Neighbourhood Speed Watch Programs to deal with the constant concerns about the speed of traffic on local residential streets; and,
 - (f) That the School Crossing Section of the Community Traffic and Parking Services Division be retitled "Neighbourhood Traffic Safety" Section to better emphasize the commitment to neighbourhood traffic/safety issues.
16. That all-way stop control be implemented at the intersection of Eagleglen Way and Upper Paradise Road and that the City Traffic By-law No. 89-72 be amended accordingly.
17. That the City of Hamilton notify the "Institute of Canadian Advertisers" of concerns related to advertising which encourages unsafe driving practices.
18. (a) (i) That the following property be declared surplus to the requirements of the City in accordance with Real Property Sales Procedural By-law No. 95-049:
- "the lands composed of part of Mountain Brow Drive, Registered Plan 603, designated as Part 7 on Schedule "A" attached to the Offer to Purchase and containing an area of 536 square metres (5,769.6 square feet)"; and,
- (ii) That the Real Estate Division be authorized and directed to sell the subject property in accordance with the Real Property Sales Procedural By-law No. 95-049; and,

- (b) (i) That an Offer to Purchase (Highway Closure) for the lands composed of part of Mountain Brow Drive, Registered Plan 603, designated as Part 7 and containing an area of 536 square metres (5,769.6 square feet) as shown on Schedule "A" attached to the agreement for the price of \$13,385, to be executed by Frank Papalia, be accepted. The said transaction is scheduled to close thirty (30) days after the conditions in the Offer have been fulfilled to the satisfaction of the City, being on or before 1998 December 4. Funds derived from this sale be credited to Account No. CH4X501 00102 (Reserve for Property Purchases (Sales)); and,
- (ii) That a deposit in the amount of \$2 be held by the City Treasurer pending Council approval; and,
- (iii) That the Offer be approved subject to clauses which state:
 - (1) that the closing of the Offer to Purchase (Highway Closure) be subject to the City of Hamilton accepting and completing an Option to Purchase executed by Mr. Frank Papalia for the purchase of part Lot 57, Concession 2, in the geographic Township of Ancaster, designated as Parts 3 and 4 on Schedule "A" attached to the agreement; and,
 - (2) that the said Option to Purchase and this Offer to Purchase (Highway Closure) be accepted by City Council concurrently and both properties be finalized contemporaneously with each other; and,
- (iv) That the City Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed pursuant to Section 193 of the Municipal Act incorporating the following:
 - (1) satisfactory notice has been given to pursuant to Section 300 of the Municipal Act (the highway sale provision); and,
 - (2) no appraisal of fair market value of the real property intended to be sold has been obtained as Highway Closures and Sales are exempt from the appraisal requirements of Section 193 of the Municipal Act; and,
- (c) (i) That an Option to Purchase, to be executed by Frank Papalia and scheduled to close on or before 1998 December 4, for the lands composed of part of Lot 57, Concession 2, in the geographic Township of Ancaster, designated as Parts 3 and 4, on Schedule "A" attached to the agreement and containing an area of 94 square metres (1,011.8 square feet), be approved and completed and the purchase price of \$2,348 be charged to Account No. CH 4X501 00102 (Reserve for Property Purchases (Sales)); and,

(ii) That the Option be approved subject to clauses which state:

- (1) that the closing of this Option to Purchase be subject to the City of Hamilton accepting and completing an Offer to Purchase (Highway Closure) executed by Frank Papalia, for the purchase of the closed portion of Mountain Brow Drive, Registered Plan 603, designated as Part 7 on Schedule "A" attached to the agreement; and,
- (2) that the said Offer to Purchase and this Option to Purchase be accepted by City Council concurrently and both properties be finalized contemporaneously with each other; and,

(iii) It is understood and agreed that:

- (1) there will be no underground utilities installed in, on or under the walkway; and,
- (2) the City of Hamilton will relocate, at its sole cost and expense the existing fence over Part 4 in order to establish the Pedestrian Pathway by removing the fence on the westerly boundary and replacing the fence along the most southeasterly boundary of Part 4 as shown on Schedule "A" attached to the agreement; and,
- (3) the City of Hamilton will endeavour to preserve and protect any trees located in this area in accordance with the City by-law in place at any given time; and,
- (4) the City of Hamilton will install a guard rail 8 feet in length, as designed and determined by the City located at the entrance of the trail, if required by the Vendor; and,
- (5) no benches or lighting shall be located on Parts 3, 4, or 6 or the pathway to the north thereof as shown on Schedule "A" attached to the agreement; and,

(iv) That the Mayor and City Clerk be authorized and directed to execute the necessary documents.

19. That the following Bills be adopted, signed, sealed and enrolled as By-laws:

- (a) A-70 A By-law to Sell a Closed Walkway between 61 and 62 Harbottle Court being all of Block 8, Plan 62M-709 as closed by Judges' Order LT514469 Designated as Parts 1 & 2 on Plan 62R-14304
- (b) A-71 A By-law to Amend Traffic By-law No. 89-72 to Regulate Traffic

1998 October 13

(c) A-72 A By-law to Amend Traffic By-law No. 89-72 to Regulate Traffic

Respectfully Submitted,

**ALDERMAN CHAD COLLINS, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE**

Kevin C. Christenson, Secretary

1998 October 5

TRAFFIC CALMING PROCESS

1. **Identify Problems/Concerns**
 - identify magnitude of problems/concerns
 - define study area/neighbourhood
 - preliminary investigations
 - consult with elected officials
2. **Neighbourhood Meeting**
 - explain reason for meeting/process
 - detail problems/concerns
 - select citizen committee
3. **Develop Traffic Calming Plan with Neighbourhood Committee**
 - data collection
 - citizen committee meetings
 - consult with emergency services (Police, Fire, Ambulance)
4. **Follow-up Neighbourhood Meeting**
 - presentation of traffic calming plan by citizen committee/staff and elected officials
 - "fine tuning" of plan
5. **Report to Committee/Council for Approval**
 - present plan
 - costs
 - implementation strategy (ie. prioritization of projects)
 - capital budget funding versus reconstruction projects
6. **Implementation**
 - advertising
 - temporary installation
7. **Evaluation**
 - before/after comparison
 - status report to Committee/Council (permanent installation approval)
8. **Permanent Installation**

PARKS & RECREATION
COMMITTEE

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Parks and Recreation Committee presents its **TENTH** Report for 1998 and respectfully recommends:

1. That approval be granted to the Hamilton Hornets Rugby Football Club to sell alcoholic beverages at Mohawk Sports Park on 1998 October 17, October 24 and October 31 inclusive, in conjunction with the Ontario Rugby Football League Championships, by Special Occasion Permit only, and in accordance with the terms and conditions of the Licence Agreement.
2.
 - (a) That approval as required by Parks By-law No. 95-126, be given to "Touch the Past", Horse Drawn Vehicles, to bring a Victoria style, horse drawn carriage and team of horses into the parking lot at Dundurn Park on 1998 October 10 for the purpose of taking wedding photographs; and,
 - (b) That the applicant provide proof of liability insurance for \$2,000,000, naming the City as co-insured; and,
 - (c) That the applicant be responsible for all clean up and any damages to the grounds.
3.
 - (a) That the General Manager, Community Services Division, be authorized to deposit net proceeds of \$30 per ticket from a Dinner/Lecture on historical brewing into the Dundurn Restoration Account (No. CH4X940 00183); and,
 - (b) That tax receipts be issued for the donation portion of the ticket price.
4. That, as a result of a more suitable location being found, Section 1 (a) of the Seventh Report of the Parks and Recreation Committee for 1997, adopted by City Council at its meeting held 1997 July 8 respecting the approval and location of a plaque commemorating Robert Land be rescinded and the following be approved in lieu thereof:
 - "1. (a) That a one-sided plaque commemorating the historic significance of Robert Land as an early Hamilton settler be approved and erected in Woodlands Park."

5. That Parks By-law No. 95-126 as amended be further amended:
 - (a) to change all references to guide dog to "hearing aid, seeing eye and special needs dogs"; and,
 - (b) To suspend enforcement of Section 36 for only the designated leash free pilot project area at No. 1450 Rymal Road East during the one year trial period. In all other areas of the municipality the By-law will continue to be enforced in all respects.
6. That a purchase order be issued to Arrowhead Paving Inc., Burlington, Ontario, in the amount of \$126,495.40 including all taxes and contingency, for the pathway reconstruction at Mountain Brow Park and Mountain Drive Park, being the only acceptable bid received in accordance with the tender documents number C16-2998 issued by the Purchasing Division and the vendor's tender, and that this expenditure be financed as follows - \$97,926.40 from Account No. CF809453015, Canada/Ontario Infrastructure Works program - Parking Lots and Pathways, and \$28,569 from Account No. CF628743002, Bike Paths/Playscapes- Phases 3 and 4.
7.
 - (a) That an Option to Purchase, to be executed by Chedoke Health Corporation (R.L. Cordingley, President), and scheduled to close 1998 December 4, for the lands composed of part of Lot 57, Concession 2, in the geographic Township of Ancaster, designated as Part 1 on Schedule "A" attached to the agreement, containing an area of 5,220.63 square metres (1.29 acres), be approved and completed and the purchase price of \$2 be charged to Account No. CH5X306 00201 (Reserve for Parklands); and,
 - (b) It is understood and agreed that:
 - (i) The City of Hamilton accepts the subject property as the future 5% parkland dedication requirement for the proposed adjacent subdivision. In the event that the adjacent lands to the subject property comprising of 13.7 acres, more or less as shown as Parts 2 and 3 on Schedule "A" attached to the agreement are developed for residential development, the City of Hamilton will not require any further 5% cash-in-lieu of parkland payment of future lands to be dedicated in respect of that adjacent development; and,
 - (ii) By accepting the subject lands as parkland dedication, the City of Hamilton is in no way expressing its support for the proposed residential development and the Vendor acknowledges and agrees that the conveyance herein shall not fetter City Council's jurisdiction in respect of any and all subdivision and/or application processes. The Chedoke Health Corporation or its successor will be required to follow the normal course of subdivision application and approval; and,
 - (iii) The City of Hamilton agrees to install a five (5) foot, 1½" gauge, galvanized black fence along the southerly property line; and,

- (iv) Any landscaping undertaken by the City of Hamilton on Part 1 of Schedule "A" shall not further obstruct the escarpment view; and,
 - (c) That as consideration in the amount of \$2 has been paid to the owner pursuant to the agreement, this amount be deducted from the purchase price; and,
 - (d) That the Mayor and City Clerk be authorized and directed to execute the necessary documents.
- 8.
- (a) That, in light of the fact that no plants, flowers, etc. are permitted on individual Veterans' graves in the Fields of Honour, a Garden of Remembrance for the Veterans of Hamilton be created in Section 18, Woodland Cemetery; and,
 - (b) That the Hamilton Veterans Committee contribute \$1,000 to the Hamilton Municipal Cemeteries to create a Garden of Remembrance to be located on the berm surrounding the Veterans monument in Section 18, Woodland Cemetery; and,
 - (c) That the Hamilton Municipal Cemeteries be responsible for the following respecting the Garden of Remembrance:
 - (i) the development, design, general maintenance and upkeep of the Garden of Remembrance; and,
 - (ii) the planting of all plants, shrubs, etc. in the Garden of Remembrance; and,
 - (iii) the placement of appropriate signage in the garden and in the Cemetery Office to make Veterans and their families aware of the Garden of Remembrance; and,
 - (iv) act as the liaison with Veterans and their families who wish to make a donation (either floral or financial) to the Garden of Remembrance.
- 9.
- (a) That the Commissioner of Public Works and Traffic be authorized to negotiate a formal agreement with Service Corporation International (Canada) Limited (S.C.I.C.) in a form satisfactory to the City Solicitor for the construction and operation of a crematorium/visitation centre, as a co-operative enterprise, at their expense, on City of Hamilton property being Mount Hamilton Cemetery, on the basis that their bid was the only qualified bid received; and,
 - (b) That the Commissioner of Public Works and Traffic report back to the Parks and Recreation Committee on the results of these negotiations.

1998 October 13

10. That staff be authorized to investigate and report back to Committee on the methods, terms and costs under which the Corporation of the City of Hamilton may terminate its 1985 August 13 Agreement with the late Ronald and Bertram Veevers regarding the assets and property known as No. 22 Veevers Drive.
11. That the following Bill be adopted, signed, sealed and enrolled as a By-law:

B-1 A By-law to Amend By-law No. 95-126, The Parks By-law.

Respectfully Submitted,

**ALDERMAN BERNIE MORELLI, CHAIRMAN
PARKS AND RECREATION COMMITTEE**

**Kevin C. Christenson
Secretary**

1998 October 5

**PLANNING & DEVELOPMENT
COMMITTEE**

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **SEVENTEENTH** Report for 1998 and respectfully recommends:

1. (a) That approval be given to Official Plan Amendment No. 152 to redesignate Block "3", as shown on the attached map marked as Appendix "A" from "Residential" to "Commercial" and that the City Solicitor be directed to prepare the By-law of Adoption for submission to the Regional Municipality of Hamilton-Wentworth.
- (b) That approval be given to Amended Zoning Application ZAC-98-23, FDJ Holdings Inc., owner, for a modification to the established "JJ" (Restricted Light Industrial) District (Block "1") and "Lmr-1" (Planned Development - Multiple Residential) District (Block "2"), and for a change in zoning from "Lmr-1" (Planned Development - Multiple Residential) District to "HH" (Restricted Community Shopping and Commercial, etc.) District (Block "3"), to permit the use of Blocks "1" and "2" for temporary parking for a maximum of three (3) years and Block "3" for commercial uses in conjunction with the existing commercial uses, for lands located south of Barton Street East, west of Centennial Parkway North and north of Eastgate Court located at the rear of 2420 - 2434 Barton Street East, as shown on the attached map marked as Appendix "A", on the following basis:
 - (i) That Block "3" be rezoned from "Lmr-1" (Planned Development - Multiple Residential) District to "HH" (Restricted Community Shopping and Commercial, etc.) District; and,
 - (ii) That the "JJ" (Restricted Light Industrial) District regulations as contained in Section 16A. of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variances, as special requirements:
 - (1) that notwithstanding Section 16A.(1), the temporary use of the lands for the parking of motor vehicles in accordance with Section 39 of the Planning Act, for a period not exceeding three-years from the day of the passing of the By-law shall be permitted; and,
 - (2) a planting strip having a minimum width of 3.0 m, with a visual barrier not less than .2 m and not more than 2.0 m in height, shall be provided and maintained along the southerly lot line and along the westerly lot line; and,
 - (3) no vehicular access shall be permitted to Eastgate Court; and,

- (iii) That the "L-mr-1" (Planned Development - Multiple Residential) District regulations as contained in Section 17B of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variances, as special requirements:
 - (1) that notwithstanding Section 17B.(6)(a)(ii), the temporary use of the lands for the parking of motor vehicles in accordance with Section 39 of the Planning Act, for a period not exceeding three-years from the day of the passing of the By-law shall be permitted; and,
 - (2) a planting strip having a minimum width of 3.0 m, with a visual barrier not less than 1.2 m and not more than 2.0 m in height, shall be provided and maintained along the southerly lot line; and,
 - (3) no vehicular access shall be permitted to Eastgate Court; and,
 - (iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-103 and E-104 for presentation to City Council; and,
 - (v) That the proposed modification in zoning for Blocks "1" and "2" is in conformity with the Official Plan for the Hamilton Planning Area and that the proposed change in zoning for Block "3" will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. 152 by the Regional Municipality of Hamilton Wentworth; and,
 - (vi) That, upon finalization of the implementing Zoning By-law, the Kentley Neighbourhood Plan be amended to redesignate Block "3" from "Attached Housing" to "Commercial"; and,
 - (c) That Site Plan Control By-law No. 79-275, as amended by By-law 87-233, be amended by adding Blocks "1" and "2" to Schedule "A".
- 2.
- (a) That the submission of Urban Strategies, Inc. be selected as the consultants to undertake the Design Study of the Downtown Secondary Plan, at a cost of \$60,000; and,
 - (b) That the submission of PriceWaterhouse Coopers be selected as the consultants to undertake the Economic and Development Financing Studies of the Downtown Secondary Plan, at a cost of \$40,000.

3.
 - (a) That a secured loan in the amount of twenty-four thousand, eight hundred and seventy-two dollars (\$24,872) to Roger Francoeur for improvements to 559 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.75 per cent, amortized over ten (10) years; and,
 - (b) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, four hundred and thirty-six dollars (\$12,436) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.
4.
 - (a) That a secured loan in the amount of twenty-five thousand dollars (\$25,000) to Dalbir Seerha for improvements to 561 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.75 per cent, amortized over ten (10) years; and,
 - (b) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars (\$12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program; and,
 - (c) That an unsecured loan from the Barton Street Revitalization Fund in the amount of two thousand, two hundred and thirty-two dollars (\$2,232) to Dalbir Seerha, for improvements to 561 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.75 per cent, amortized over a period less than seven (7) years; and,
 - (d) That a grant from the Barton Street Revitalization Fund in the amount of one thousand, one hundred and sixteen dollars (\$1,116) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Loan Program.
5.
 - (a) That a secured loan in the amount of thirteen thousand, eight hundred and thirty two dollars (\$13,832) to Filomena Raso, for improvements to 629 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.75 per cent, amortized over ten (10) years; and,
 - (b) That a grant from the Barton Street Revitalization Fund in the amount of six thousand, nine hundred and sixteen dollars (\$6,916) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.
6.
 - (a) That a secured loan in the amount of twenty-five thousand dollars (\$25,000) to Allan Hendry for improvements to 657 Barton Street East be approved subject to

the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.75 per cent, amortized over ten (10) years; and,

- (b) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars (\$12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program; and,
 - (c) That an unsecured loan from the Barton Street Revitalization Fund in the amount of five thousand dollars (\$5,000) to Allan Hendry, for improvements to 657 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.75 per cent, amortized over a period less than seven (7) years; and,
 - (d) That a grant from the Barton Street Revitalization Fund in the amount of two thousand, five hundred dollars (\$2,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Loan Program.
7. That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, two hundred and four dollars (\$1,204) be approved for Roberto and Lilla Distefano, 26 Case Street. The interest rate will be 2 per cent amortized over 5 years.
8. That the Local Architectural Conservation Advisory Committee provide a letter of support to the Ontario Workers' Arts and Heritage Centre for an application made to the Ontario Ministry of Citizenship, Culture and Recreation's Cultural Strategic Development Fund for a grant of nineteen thousand, six hundred dollars (\$19,600) to assist with the Made-in-Hamilton Industrial Trail Implementation Plan.
9. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
- (a) C-111 A By-law to Designate an Improvement Area Generally Comprised of Lands Between Caroline Street and Queen Street, Known as the King Street West Business Improvement Area.
 - (b) C-112 A By-law to Amend Zoning By-law No. 6593 and to Repeal Zoning By-law No. 97-073 Respecting Prohibited Use – Charity Casino (Charity Gaming Club).
 - (c) C-113 A By-law to Amend Zoning By-law No. 6593 and to Repeal Zoning By-law No. 98-228 Respecting Land Located at the Rear of Municipal Nos. 1289-1317 Upper James Street.

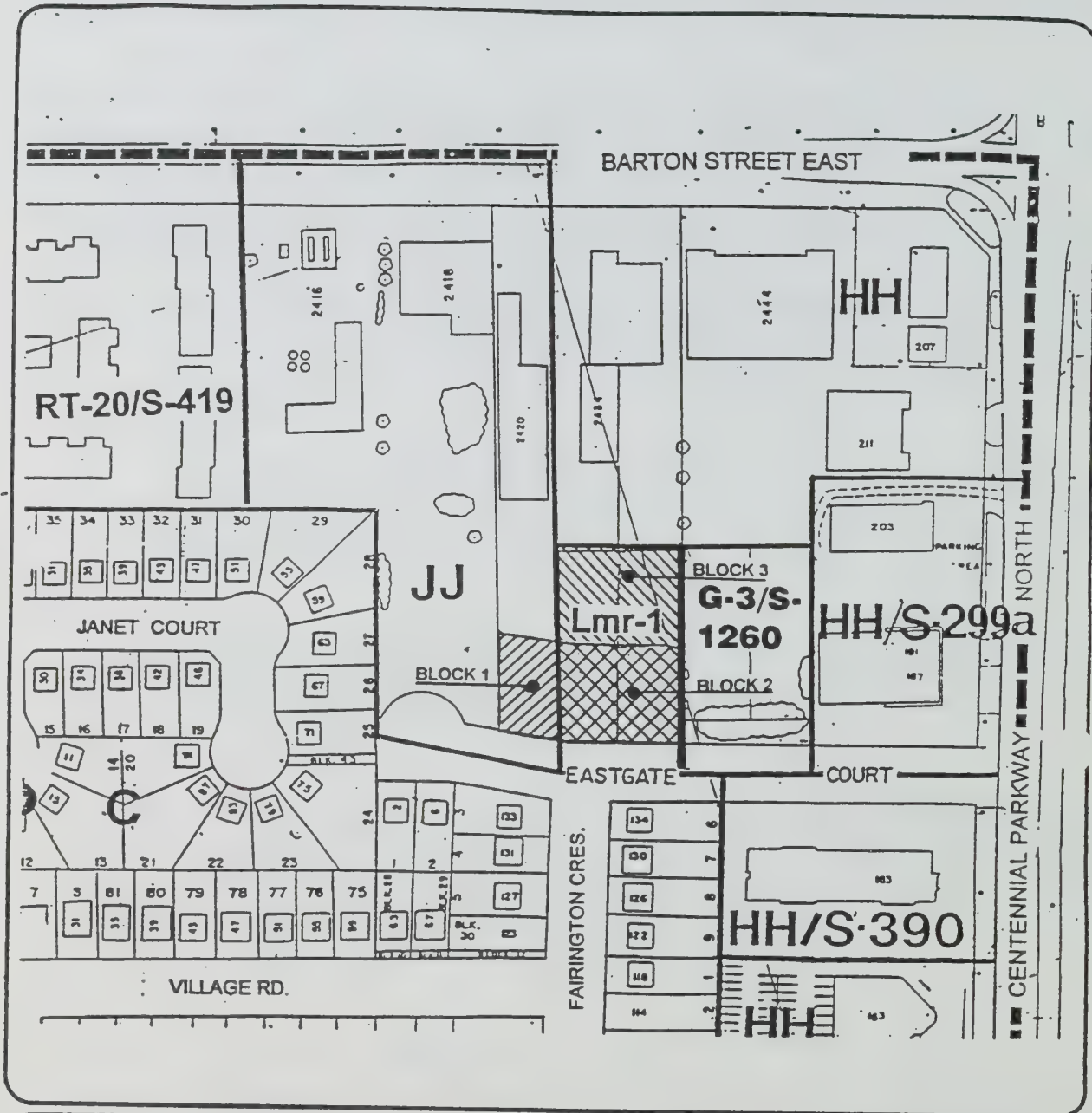
1998 October 13

- (d) C-114 A By-law to Amend Zoning By-law No. 6593 as Amended by Zoning By-law No. 96-139 Respecting Lands Located at Municipal No. 18 Homewood Avenue.
- (e) C-115 A By-law to Amend Zoning By-law No. 6593 as Amended by By-law No. 98-242 Respecting Land Located at Municipal No. 649 Upper James Street.
- (f) C-116 A By-law to Adopt Official Plan Amendment No. 153 Respecting Lands Located at 27 Dundurn Street North Within the Strathcona Neighbourhood.
- (g) C-117 A By-law to Amend Zoning By-law No. 6593 Respecting Land Located at Municipal No. 27 Dundurn Street North.

Respectfully submitted,

**ALDERMAN F. D'AMICO
PLANNING AND DEVELOPMENT
COMMITTEE**

**Tina Agnello, Secretary
1998 October 7**



Legend

Proposed change in zoning:

BLOCK 1



Modification to the "JJ" (Restricted Light Industrial) District

BLOCK 2



Modification to the "Lmr-1" (Planned Development) District

BLOCK 3



From "Lmr-1" (Planned Development) District to "HH" (Restricted Community Shopping and Commercial) District

City of Hamilton

Location Map

Planning and Development Department

North



Scale
NOT TO SCALE

Date
September, 1998

Reference File No.
ZAC-98-23

Drawn By
B. B.

FINANCE & ADMINISTRATION
COMMITTEE

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **NINETEENTH** Report for 1998 and respectfully recommends:

1. That as referred to in Section 5 of the Ninth Report for 1998 of the Parks and Recreation Committee approved by City Council at its meeting on 1998 September 29th, the increased cost of restoration of architectural features – Historic Sites, Account Centre No. CF 719841062 from \$40,000 to \$65,000 by \$25,000 be financed by a transfer of excess funds from Capital Projects.
2. That as referred to in Section 7 of the Ninth Report for 1998 of the Parks and Recreation Committee approved by City Council at its meeting on 1998 September 29th, the estimated cost of removing the fill on City-owned lands adjacent to 359 Hixon Road in the amount of \$21,000 be financed from the Reserve for Contingency Centre CH0115.
3.
 - (a) That DP Consultants Inc. of Woodbridge, Ontario, provide a replacement used IBM Model 3160 laser printer and printing maintenance services for a 15 month period from 1998 October to 1999 December at \$8,610/month (the lowest of two proposals received); and,
 - (b) That funding be provided from Account CH56605-26016 (Host Printing Equipment Rental).
4. That the Mayor and the City Clerk be authorized to execute a 5 month extension (from 1998 July 30th to 1998 December 31st) to the Master Lease Agreement for leasing services with IBM Canada Limited and that the agreement be in a form satisfactory to the City Solicitor.
5.
 - (a) That the 1998 Grant recommendations with respect to the various outstanding 1998 General Grants which were referred to the Mayor's Office and as summarized on the Schedule attached herewith and marked as Appendix "A", be approved; and,
 - (b) That the recommended total grants in the amount of \$6,000 be funded from the 1998 unallocated general grant funds account CH5a049 20016.

6.
 - (a)
 - (I) That the .3 metre reserve abutting the easterly limit of Meaford Drive, be declared surplus to the requirements of the City of Hamilton in accordance with the Real Property Sales Procedural By-law No. 95-049; and,
 - (ii) That the Real Estate Division be authorized and directed to sell the .3 metre reserve in accordance with the Real Property Sales Procedural By-law No. 95-049; and,
 - (b)
 - (i) That an Offer to Purchase the one foot reserve abutting the easterly limit of Meaford Drive for the price of \$2, executed by Sabatino Manganiello, on 1998 September 16, be accepted. This .3 metre (one foot) more or less, reserve, being more specifically described as Parts 2 and 5 on Reference Plan 62R-14585, said transaction scheduled to close on 1998 November 20. Funds derived from this sale be credited to Account No. CH 4X501 00102 (Reserve for Property Purchases (Sales)); and,
 - (ii) That the City Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed pursuant to Section 193 of the Municipal Act incorporating the following:
 - (1) Satisfactory notice has been given to the public of the intended sale; and,
 - (2) No appraisal of the fair market value of the real property intended to be sold has been obtained as .3 metre reserves are exempt from appraisal requirements of Section 193 of the Municipal Act; and,
 - (iii) That the Mayor and City Clerk be authorized to execute any and all documents and/or notices required by applicable legislation in a form satisfactory to the City Solicitor.
7.
 - (a) That the Grants Process Group review all applications received for funding under the Advance Funding Program of the Ontario Lottery Corporation; and,
 - (b) That a deadline of 1998 October 30 be established and advertised for the receipt of applications for funding under the Advance Funding Program; and,
 - (c) That the Grants Process Group review all applications received for funding under the Advance Funding Program and prepare the roster of charities and the level of funding each one should receive, for submission to the Finance and Administration Committee.

1998 October 13

8. (a) That Hamilton Area M.P.'s be invited to a Committee of the Whole Meeting to hear the City's concerns with respect to the Hamilton Harbour and the new Port Authority structure.
- (b) That the City advise the Federal Government that the municipal representative on the new Port Authority be from Hamilton.
9. That the following Bill be adopted, signed, sealed and enrolled as a By-law:

D-51 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

Respectfully submitted,

**ALDERMAN D. WILSON, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan K. Reeder
Secretary
1998 October 6**

1998 October 13

Appendix "A" referred to in Section 5 of
the NINETEENTH Report of the
Finance and Administration Committee
for 1998

1998 GENERAL GRANT
REFERRALS

Exhibit 1

ITEM	NAME OF ORGANIZATION	1998 GRANT REQUEST	1998 GRANT RECOMM- ENDATION
1	<u>*Note 3 – Refer to the Mayor's Office</u> The Canadian Red Cross Society - Jazz Wine & Romance	\$5,000	0
2	The Hamilton Beach Preservation Committee - To assist in 175 th anniversary celebration	\$5,000	\$2,000
3	Hamilton Board of Education City-Wide Choir - To help defray operating costs	\$4,600	\$2,000
4	Serbian Folklore Ensemble "KOLO" - for general operating costs (Subject to F/S)	<u>\$7,500</u> <u>\$22,100</u>	<u>\$2,000</u> <u>\$6,000</u>
5	<u>*Note 4 – Refer to the Mayor's Office, Economic Development and Recreation Departments</u> Earth Day Hamilton - general operating	\$96,340	0
6	Hamilton Music Scene '98 - expenses	<u>\$174,134</u> <u>\$270,474</u>	0

*Notes refer to the recommendations of City Council with respect to the 1998 General Grants as approved by Council April 16, 1998.

T A B L E D M O T I O N
F R O M P R E V I O U S M E E T I N G

Section 7 of the FIFTEENTH Report of the Planning and Development Committee tabled for two weeks by Council at its meeting of 1998 September 29:

7. (a) That a loan under the Downtown Convert/Renovate-to-Residential Loan Program in the amount of up to four hundred thousand dollars, (\$400,000) to DeSantis Group Inc., (Tony DeSantis) for conversion of 25 Hughson Street South into twenty five (25) residential units be approved, subject to the following:
 - (i) Fulfilment of the borrowing requirements of the Downtown Convert/Renovate-to-Residential Loan Program; and,
 - (ii) Exact amount of loan to be determined once unit sizes are finalized; and,
 - (iii) Approval by the Ministry of Municipal Affairs and Housing of an amended Downtown Community Improvement Plan; and,
- (b) That Schedule "A" of By-law 97-140 be amended to replace the maximum of eight (8) units per deeded property with a maximum of \$500,000 per deeded property; and,
- (c) That staff take the necessary steps under the Planning Act to amend the Downtown Community Improvement Plan and the By-law; and,
- (d) That the City Solicitor be authorized to prepare the necessary By-law; and,
- (e) That a grant under the Core Heritage 2000 Program in the amount of \$75,000 to DeSantis Group Inc., (Tony DeSantis) for facade improvements be approved, subject to the applicant meeting the requirements of the Program that is currently pending approval by the Ministry of Municipal Affairs and Housing; and,
- (f) That the loan approval be conditional on the applicant receiving a structural permit within three months of 1998 September 23, and a building permit within six months of 1998 September 23.

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**TUESDAY, 1998 OCTOBER 13
7:30 O'CLOCK P.M.
ALBION ROOMS A, B & C
HAMILTON CONVENTION CENTRE**

B I L L S

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98-

TO SELL A CLOSED WALKWAY BETWEEN
61 AND 62 HARBOTTLE COURT BEING ALL OF BLOCK 8 PLAN 62M-709
AS CLOSED BY JUDGE'S ORDER LT514469
DESIGNATED AS PARTS 1 & 2 ON PLAN 62R-14304

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the said Walkway was closed by Judge's Order registered as LT514469 and as authorized by City Council in adopting Items 69 and 70 of the 1st Report of the Transport & Environment Committee on 1997 December 11.

AND WHEREAS notice of the City's intention to pass this By-law has been published as required by Section 300 of the Municipal Act for four consecutive weeks in the Hamilton Spectator, a newspaper having general circulation in the City of Hamilton.

AND WHEREAS the Council of The Corporation of the City of Hamilton, through its Transport and Environment Committee, has heard all persons who applied to be heard, no matter whether in objection to or in support of the By-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. That the sale of the closed Walkway being all of Block 8, Plan 62M-709 and designated as:

Parts 1 & 2 on Plan 62R-14304.

City of Hamilton

Regional Municipality of Hamilton-Wentworth

are hereby authorized.
2. That the soil and freehold of the land shown as Part 1 on Plan 62R-14304 be sold to A. Faiazza for a sum of \$2.00 pursuant to the agreement dated 1997 November 24.
3. That the soil and freehold of the land shown as Part 2 on Plan 62R-14304 be sold to G. & M. Kelly for a sum of \$2.00 pursuant to the agreement dated 1997 November 24.

PASSED this 13th day of October A.D. 1998

City Clerk

Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98-

BEING A BY-LAW TO AMEND
BY-LAW NO. 89-72 TO REGULATE TRAFFIC

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

AND WHEREAS it is necessary to amend By-law 89-72, as amended;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That **Schedule 9 (Through Highways)** of By-law 89-72, as amended, is hereby further amended adding thereto the following item, namely:-

"Caroline Street, from the northerly limit of Hunter Street to the southerly limit of King Street, except at the intersection of Main Street"

and by deleting therefrom the following item, namely:-

"Caroline Street, from the northerly limit of Hunter Street to the southerly limit of York Street, except at the intersections of King and Main Streets"

2. That **Schedule 26 (No Parking Areas)** of said By-law is hereby amended by adding thereto the following items, namely:-

"Caroline West Napier to a point 122 feet south of York Anytime"

and by deleting therefrom the following items, namely:-

"Caroline West From 122 ft. south of York to 112 ft. Anytime"
north of King

3. That **Schedule 34 (Sticker Permit Parking)** of said By-law is hereby amended by adding thereto the following items, namely:-

"Catharine East commencing 106 feet south of Murray and Anytime
extending 22 feet southerly therefrom

Catharine West commencing 63 feet south of Murray and Anytime
extending 18 feet southerly therefrom

Tisdale North commencing 111 feet south of Wilson and Anytime
extending 18 feet southerly therefrom

and by deleting therefrom the following item, namely:-

"Stirton West commencing at a point 36 feet north of Anytime"
Cannon and extending to a point 18 feet
northerly therefrom

4. In all other respects, By-law 89-72 and all Schedules thereto, as amended, are hereby confirmed unchanged.
5. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED this 13th day of October A.D. 1998.

CITY CLERK

MAYOR

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98-

BEING A BY-LAW TO AMEND
BY-LAW NO. 89-72 TO REGULATE TRAFFIC

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

AND WHEREAS it is necessary to amend By-law 89-72, as amended;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That Schedule 10 (Stops at Intersections) of By-law 89-72, as amended, is hereby amended by adding thereto the following items, namely:-

"Upper Paradise	Northbound and Southbound	Eagleglen
Lupin	Eastbound	East 45th
Thelma	Westbound	East 45th
Morgan	Westbound	Clifton Downs
Chedoke	Southbound	Hillcrest"

2. That Schedule 29 (No Stopping Areas) of said By-law is hereby amended by adding thereto the following item, namely:-

"Bonaparte	North	commencing at Corsica and extending 58 feet easterly therefrom	Anytime
Bonaparte	North	commencing at Corsica and extending 61 feet westerly therefrom	Anytime
Bonaparte	North	commencing at Fusilier and extending 50 feet easterly therefrom	Anytime
Bonaparte	North	commencing at Fusilier and extending 62 feet westerly therefrom	Anytime
Corsica	East	commencing at Bonaparte and extending 50 feet northerly therefrom	Anytime
Corsica	West	commencing at Bonaparte and extending 50 feet northerly therefrom	Anytime

Fusilier East commencing at Bonaparte and extending 50 feet Anytime
northerly therefrom

Fusilier West commencing at Bonaparte and extending 50 feet Anytime"
northerly therefrom

3. In all other respects By-law 89-72 and all Schedules thereto, as amended, are hereby confirmed unchanged.
4. This By-law shall come into force and take effect on the day of its passing and enactment.

PASSED this 13th day of October A.D. 1998.

CITY CLERK

MAYOR

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO 98-

TO AMEND

By-law No. 95-126

THE PARKS BY-LAW

WHEREAS the Council of the Corporation of the City of Hamilton believes it is desirous to amend By-Law 95-126;

AND WHEREAS Council, on October 13, 1998, in adopting Section 5 of the Tenth Report of the Parks and Recreation Committee authorized this By-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Section 36 of the Parks By-law 95-126, passed and enacted on the 30th day of May, 1995, is hereby amended by adding the following subsection:

(3) For the purpose of this Section "guide dog" shall mean a hearing aid dog, a seeing eye dog, or a special needs dog".

2. Section 36 of the said By-Law is further amended by adding to subsection 2(a) thereof the following words, namely:

"unless within a posted designated leash free area".

PASSED this 13th day of October 1998.

CITY CLERK

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 98-

To Designate An Improvement Area

**GENERALLY COMPRISED OF LANDS BETWEEN CAROLINE STREET
AND QUEEN STREET, KNOWN AS THE KING STREET WEST
BUSINESS IMPROVEMENT AREA**

WHEREAS subsection 1 of section 220 of the Municipal Act, R.S.O. 1990, Chapter M.45, provides that the council may pass by-laws designating an area as an improvement area;

AND WHEREAS the Council of The Corporation of the City of Hamilton has declared that no objections have been received in response to a notice of intention to pass a by-law designating the improvement area more particularly described in Schedule "A" hereto annexed and shown on Schedule "B" hereto annexed;

AND WHEREAS the Council of The Corporation of the City of Hamilton in adopting Item 14 of the 13th Report of the Planning and Development Committee at its meeting held on the 30th day of June 1998 authorized the preparation of a by-law designating the said area in accordance with subsection 1 of section 220 of the said Act.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The area more particularly described in Schedule "A" and shown on Schedule "B" is hereby designated as an improvement area.

PASSED this 13th day of October A.D. 1998

CITY CLERK

MAYOR

SCHEDULE "A"

To By-law No. 98-

Description of King Street West
Business Improvement Area

All of Lots 1 to 4, part of Lot 5 fronting on north side of King Street between Hess and Queen Streets, Registered Plan 121; Part of Lots 1 to 24, Registered Plan 179; Part of Lot 8, fronting on north side of King Street and west of Caroline Street, Registered Plan 121; All of Lots 1,2,7,8,9,10,11 and part of Lots 3,4,5 and 6 fronting on south side of King Street between Queen and Caroline Streets, Registered Plan 121 and Part of Lot 1, fronting on Queen Street between King and Main Streets, Registered Plan 121. Described as follows:

Commencing at the south west corner of Lot 1 fronting on the north side of King Street Registered Plan 121, being the north limit of King Street intersects the east limit of Queen Street.

Thence northerly along the east limit of Queen Street being the west limit of said Lot 1 to the north west corner thereof.

Thence easterly along the north limit of said Lot 1, Lots 2, 3 and 4 to the north east corner of Lot 4.

Thence southerly along the limit between said Lot 4 and Lot 5 a distance of sixty-three (63') feet to a point.

Thence easterly parallel with the north limit said Lot 5 to the easterly limit of said Lot 5, being the west limit of Hess Street.

Thence easterly parallel with the north limit of King Street crossing Hess Street, Lots 1 to 24, Registered Plan 179 and Lot 8, Registered Plan 121 to the east limit of said Lot 8, being the west limit of Caroline Street.

Thence southerly along the west limit of Caroline Street to the south east corner of Lot 11 fronting on south side of King Street, Registered Plan 121.

Thence westerly along the south limit of said Lot 11 and Lots 10, 9, 8 and 7 to the south west corner of said Lot 7.

Thence northerly along the west limit of said Lot 7, being the east limit of Lot 6 to a point distant sixty-one point one three (61.13') feet to a point.

Thence easterly to a point in the west limit of said Lot 6, being the east limit of Hess Street distant seventy-nine point five (79.5') feet south of King Street.

Thence westerly to a point in the west limit of Hess Street, being the east limit of Lot 5, fronting on south side of King Street Registered Plan 121, a distance of seventy-five (75') feet south of King Street.

Thence westerly parallel with the south limit of King Street to the division line between Lots 3 and 2, fronting on south side of King Street, Registered Plan 121.

Thence southerly along the east limit of said Lot 2 to the south east corner of the All Saints Church property.

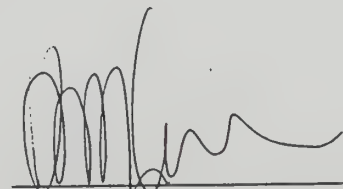
Thence westerly to a point in the east limit of Queen Street distant one hundred and fifty-seven feet (157') south of King Street.

Thence northerly to the point of commencement.

City of Hamilton.

Regional Municipality of Hamilton-Wentworth.

September 24, 1998

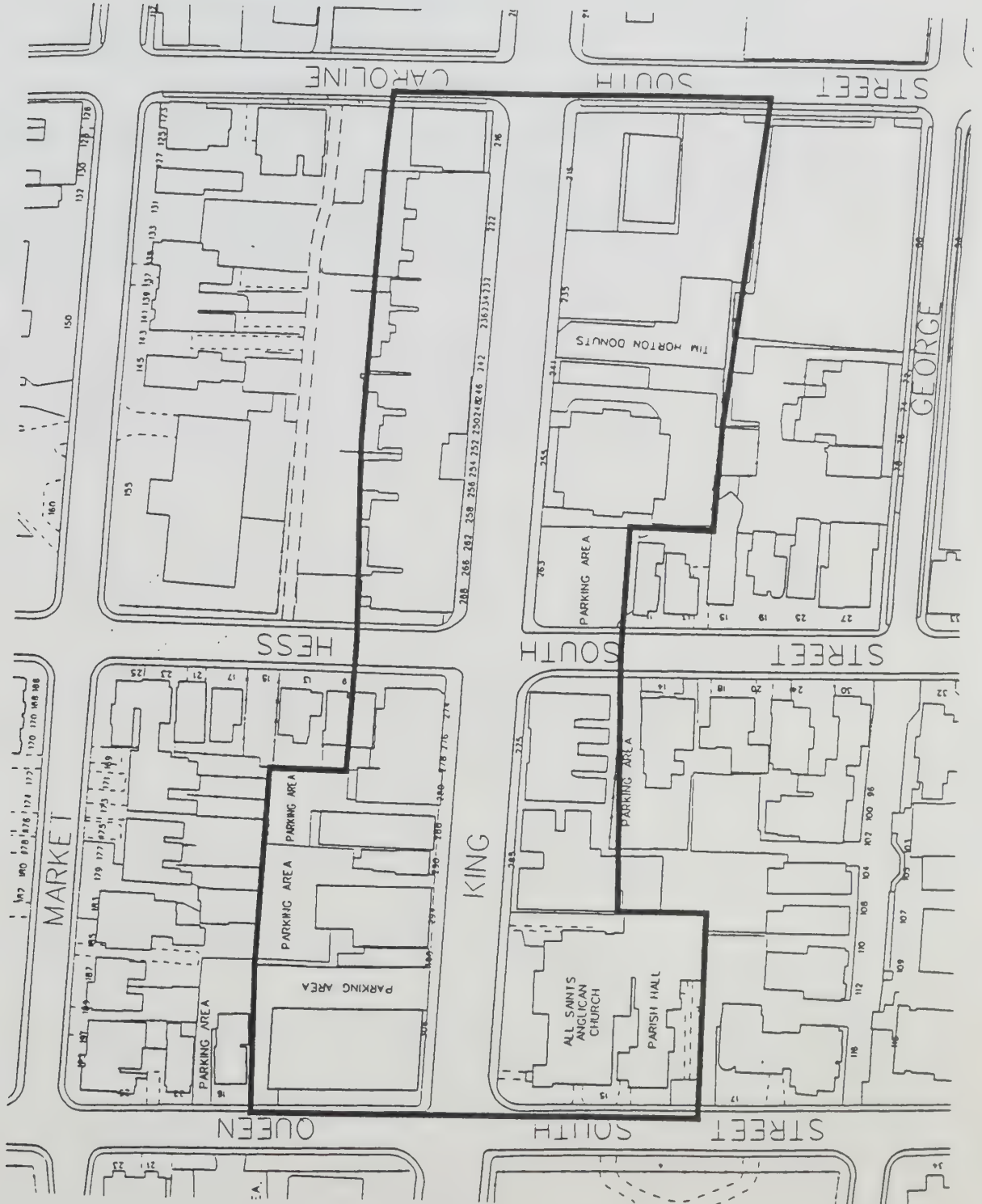


Kin M. Lau
Ontario Land Surveyor

SCHEDULE "B"

To By-law No. 98-

King Street West Business Improvement Area



KING ST. W. PROMOSION R 1 A

The Corporation of the City of Hamilton

BY-LAW NO. 98-

To Amend:

Zoning By-law No. 6593
and To Repeal Zoning By-law No. 97-073

Respecting:

PROHIBITED USE - CHARITY CASINO (CHARITY GAMING CLUB)

WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 6593 on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 1 of the 6th Report of the Planning and Development Committee at its meeting held on the 8th day of April 1997, recommended that By-law No. 6593 be amended to provide for a general text amendment to the said by-law to define "charity gaming club", "table games" and "video lottery terminals (VLT)" and to define the Areas within which the said uses may be permitted, as hereinafter provided;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 97-073 on the 29th day of April 1997, to amend Zoning By-law No. 6593, which by-law came into force on the day it was passed in accordance with the Planning Act;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 4 of the 15th Report of the Planning and Development Committee at its meeting held on the 29th day of September 1998, recommended that Zoning By-law No. 6593, as amended by By-law No. 97-073, be amended as hereinafter provided, and that By-law No. 97-073 be repealed in its entirety;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law No. 97-073, passed on the 29th day of April 1997, is hereby repealed in its entirety.

2. Section 4 - Prohibited Uses of Zoning By-law No. 6593 is amended by adding a new clause as follows:

"(7) The use of a Charity Casino (Charity Gaming Club) which means any premises or parts thereof, containing table games and/or video lottery terminal and/or slot machines or any other such game or device approved by the Alcohol and Gaming Commission of Ontario is hereby prohibited."

3. In all other respects, By-law No. 6593, as amended, is hereby confirmed, unchanged.

4. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 13th day of October A.D. 1998

CITY CLERK

MAYOR

(1998) 15 R.P.D.C. 4, September 29
City Initiative 96-G

The Corporation of the City of Hamilton

BY-LAW NO. 98-

To Amend Zoning By-law No. 6593

And To Repeal Zoning By-law No. 98-228

Respecting:

**LAND LOCATED AT THE REAR OF
MUNICIPAL NOS. 1289-1317 UPPER JAMES STREET**

WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 on the 25th day of July, 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 98-228 on the 8th day of September, 1998, to establish special requirements under Section 9A of Zoning By-law No. 6593, for the "R-4" District, in respect of the above-captioned land, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A";

AND WHEREAS Notice of the said By-law was inadvertently not circulated prior to the enactment of By-law No. 98-228 as required by the Planning Act;

AND WHEREAS it is therefore expedient to repeal the said By-law No. 98-228.

AND WHEREAS Notice of the proposed rezoning set out in the herein by-law, has been circulated as required by the Planning Act;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law No. 98-228, passed on the 8th day of September, 1998, is hereby repealed in its entirety.
2. Sheet No. E-9C of the District Maps, appended to and forming part of By-law No. 6593, is amended,
 - (a) by changing from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family Dwelling) District, the lands comprised in Blocks "1" and "4"; and,
 - (b) by changing from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family Dwelling) District, modified, the lands comprised in Blocks "2" and "3",

the extent and boundaries of each of which Blocks "1", "2", "3" and "4" are shown on a plan hereto annexed as Schedule "A".

3. The "R-4" (Small Lot Single Family Dwelling) District provisions, as contained in Section 9A of Zoning By-law No. 6593, applicable to the lands comprised in Block "2" referred to in section 1.(b), are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 9A.(2)(b)1.(iv) of Zoning By-law No. 6593, a rear yard having a depth of not less than 6.0 metres shall be provided and maintained; and,
- (b) notwithstanding Section 9A.(2)(c) of Zoning By-law No. 6593, a minimum lot width of 10.5 metres and a minimum lot area of 306 square metres shall be provided and maintained.

4. The "R-4" (Small Lot Single Family Dwelling) District provisions, as contained in Section 9A of Zoning By-law No. 6593, applicable to the lands comprised in Block "3" referred to in section 2.(b), are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 9A.(2)(b)1.(iv) of Zoning By-law No. 6593, a rear yard having a depth of not less than 6.0 metres shall be provided and maintained; and,
- (b) notwithstanding Section 9A.(2)(c) of Zoning By-law No. 6593, a minimum lot width of 11.0 metres and a minimum lot area of 313 square metres shall be provided and maintained.

5. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "R-4" District provisions, subject to the special requirements referred to in sections 3 and 4.

6. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1411.

7. Sheet No. E-9C of the District Maps is amended by marking the lands referred to in section 2.(b) of this by-law, S-1411.

8. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 13th

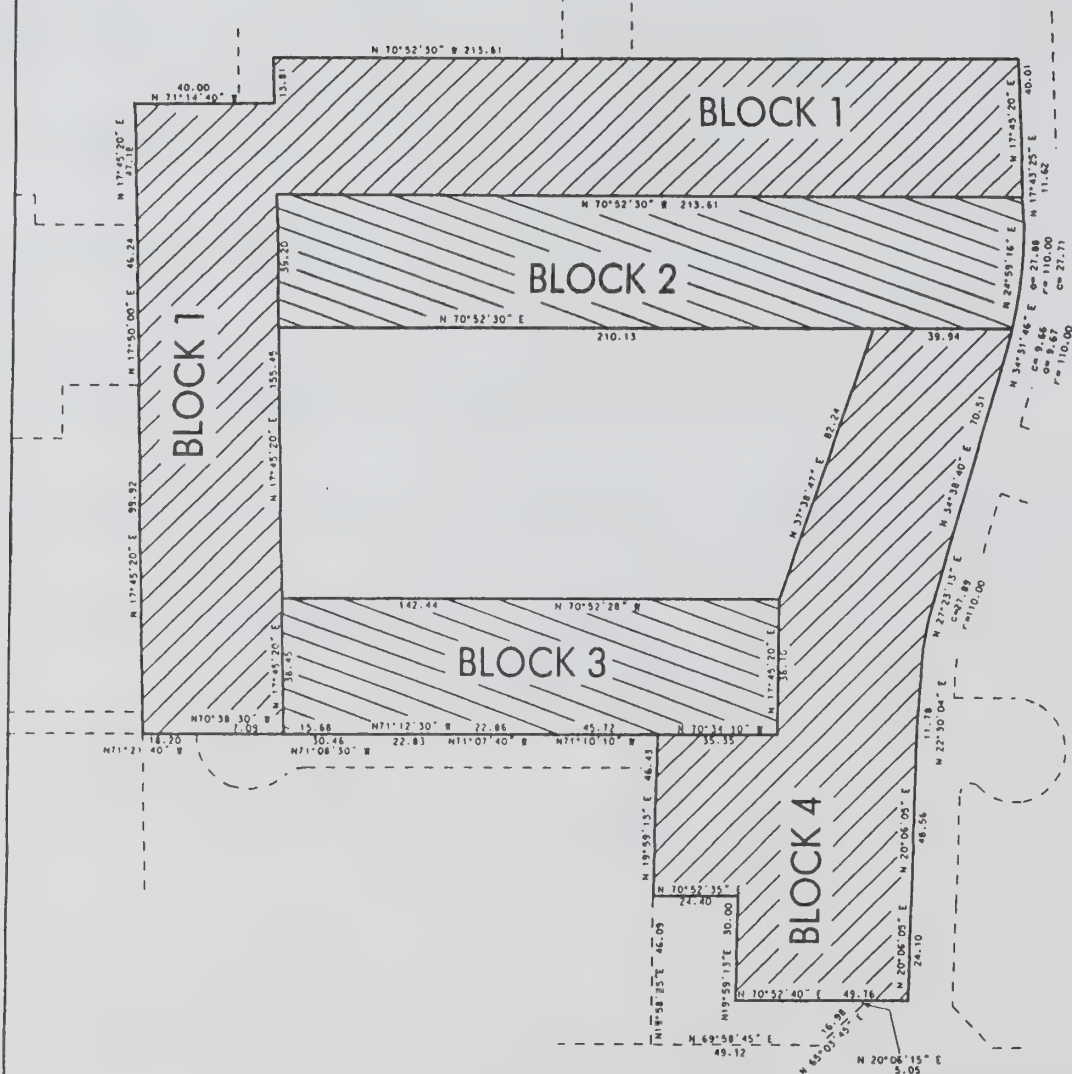
day of October

A.D. 1998

CITY CLERK

MAYOR

(1998) 14 R.P.D.C. 3, August 5
Hampshire Properties Limited, Owner
Amended ZAC-98-20



STONE CHURCH ROAD EAST

NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 98-
Passed the day of, 1998.

Clerk

Mayor

City of Hamilton

Schedule "A"

Map Forming Part of
By-Law No. 98-
to Amend By-Law No. 6593

Planning and Development Department

Legend

Change in zoning from

BLOCK 1
and 4



"C" (Urban Protected Residential, etc.)
District to "R-4" (Small Lot Single
Family Dwelling) District.

BLOCK 2
and 3



"C" (Urban Protected Residential, etc.)
District to "R-4" (Small Lot Single
Family Dwelling) District, modified.

North



Scale
NOT TO SCALE
Date
September, 1998

Reference File No.
ZAC-98-20
Drawn By
J.Sims

The Corporation of the City of Hamilton

BY-LAW NO. 98-

To Amend:

Zoning By-law No. 6593

As Amended By Zoning By-law No. 96-139

Respecting:

LANDS LOCATED AT MUNICIPAL NO. 18 HOMEWOOD AVENUE

WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 96-139 on the 27th day of August, 1996 to rezone the the subject lands from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to "D" - 'H'(Urban Protected Residential - One and Two Family Dwellings, etc - Holding) District modified, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", which By-law came into force on the day it was passed in accordance with the Planning Act;

AND WHEREAS Section 3 of By-law No. 96-139 provides that upon the applicant/owner applying for and receiving approval for a Site Plan Control Application for the required parking layout, grading, and landscaping of the subject lands, the 'H' symbol shall be removed by amendment to By-law No. 96-139;

AND WHEREAS approval of a Site Plan Control Application for the required parking layout, grading, and landscaping has been completed.

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982;

AND WHEREAS City Council in adopting Item 55 of the Committee of the Whole at its meeting held on the 8th day of September, 1998 directed that By-law No. 96-139 be amended to remove the 'H' (Holding) symbol in respect of the subject lands;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The 'H' (Holding) symbol affixed by By-law No. 96-139, passed on the 27th day of August, 1996, to the "D" - 'H'(Urban Protected Residential - One and Two Family Dwellings, etc - Holding) District, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" to By-law No. 96-139 and forming part thereof is hereby removed, and the development of the lands may proceed in accordance with the "D" (Urban Protected Residential - One and Two Family Dwellings, etc - Holding) District provisions of Zoning By-law No. 6593, subject to the special requirements referred to in section 2. of By-law No. 96-139.

2. Sheet No. W-14 of the District Maps, appended to and forming part of Zoning By-law No. 6593, as amended by section 1. of By-law No. 96-139, are further amended by changing from "D" - 'H' (Urban Protected Residential - One and Two Family Dwellings, etc.) District modified to "D" (Urban Protected Residential - One and Two Family Dwellings, etc) District modified, the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" and forming part of this By-law.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "D" District provisions, subject to the special requirements referred to in section 2. of By-law No. 96-139.

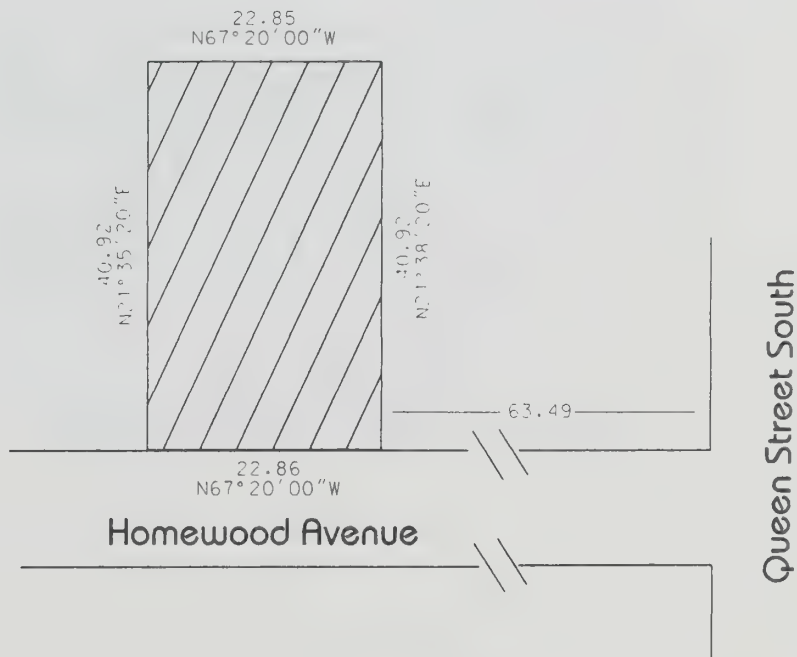
4. By-law No. 6593, as amended by By-law No. 96-1391, is further amended by adding this by-law to section 19B as Schedule S-1362a.
5. Sheet No. W-14 of the District Maps, as amended by By-law No. 96-139, are amended by marking the lands referred to in section 1. of this by-law, S-1362a.
6. In all other respects, By-law No. 96-139 is hereby confirmed, unchanged.

PASSED this 13th day of October A.D. 1998.

CITY CLERK

MAYOR

(1998) 55 C.O.W., September 8
George Lima, owner
ZAR-98-31



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 98-.....
 Passed the day of, 1998.

 Clerk

 Mayor

City of Hamilton

Schedule "A"

Map Forming Part of
 By-Law No. 98-____
 to Amend By-Law No. 6593

Planning and Development Department

Legend



From "D" - "H" (Urban Protected Residential -
 one and two family dwellings, etc - Holding
 District to "D" (Urban Protected Residential -
 one and two family dwelling, etc) District

North 	Scale	Reference File No.
	NOT TO SCALE	ZAR-98-31
	Date	Drawn By
	August, 1998	J.Sims

The Corporation of the City of Hamilton

BY-LAW NO. 98-

To Amend:

Zoning By-law No. 6593
as Amended by By-law No. 98-242

Respecting:

LAND LOCATED AT MUNICIPAL NO. 649 UPPER JAMES STREET

WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 98-242 on the 29th day of September 1998 to amend Zoning By-law No. 6593, as provided for therein, in respect of the above-captioned lands;

AND WHEREAS an incorrect Schedule was inadvertently attached as Schedule "A" to By-law No. 98-242, therefore it is expedient to replace it with the Schedule "A" annexed hereto and forming part of this by-law.

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

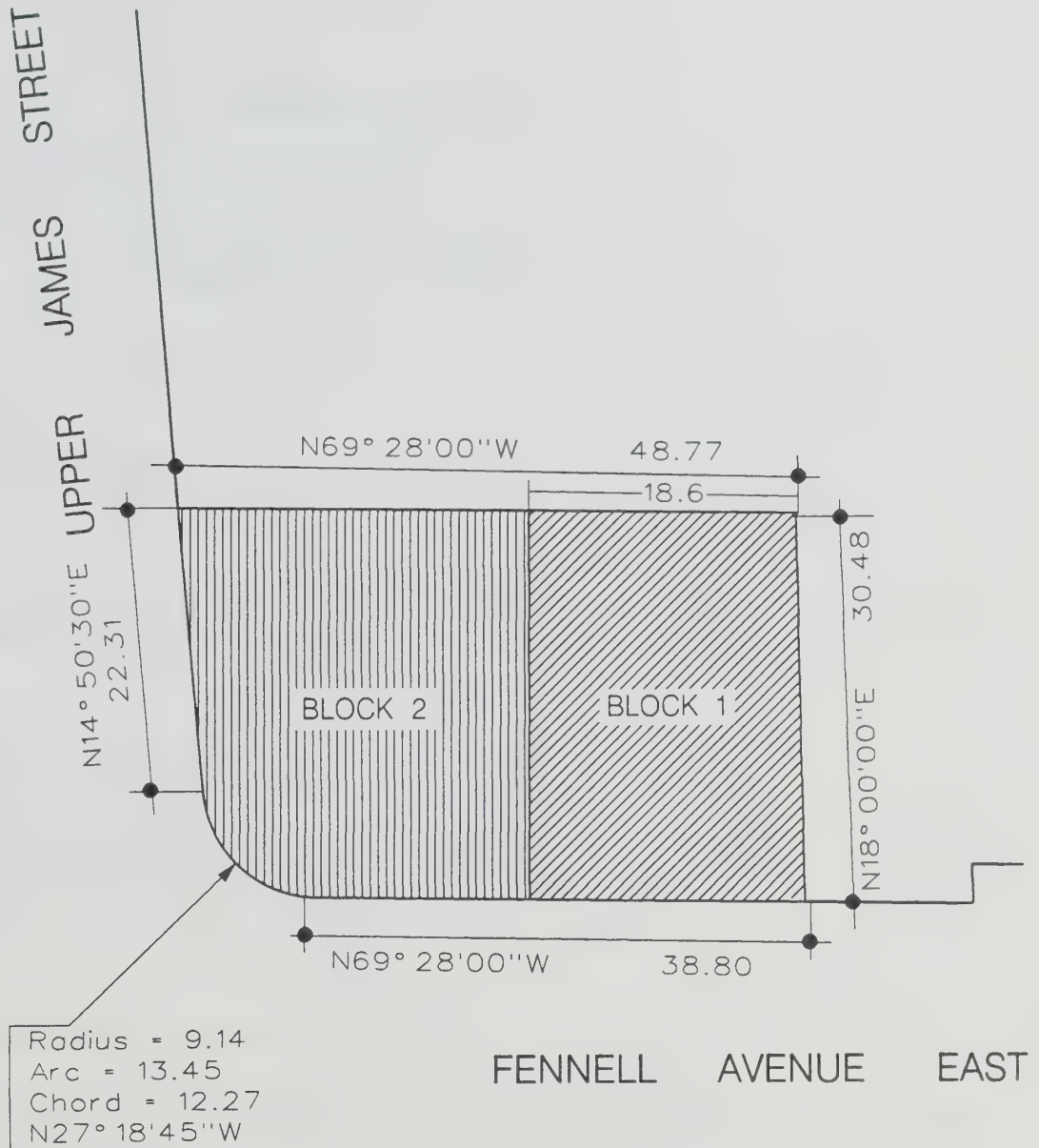
NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Schedule "A" to By-law No. 98-242 is hereby deleted and Schedule "A" annexed hereto and forming part of this by-law is substituted therefor.
2. In all other respects, By-law No. 98-242 is hereby confirmed, unchanged.
3. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of By-law No. 98-242, as amended herein, in accordance with the Planning Act.

PASSED this 13th day of October A.D. 1998.

CITY CLERK

MAYOR



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 98-.....
Passed the day of, 1998.

Clerk

Mayor

City of Hamilton

Schedule "A"

Map Forming Part of
By-Law No. 98-____
to Amend By-Law No. 6593

Planning and Development Department

- Change in Zoning from:
- BLOCK 1**

 "E" (Multiple Dwellings, Lodges, Clubs, etc.)
 District to "H"- "H" (Community Shopping and
 Commercial, etc.- Holding) District.
- BLOCK 2**

 "H" (Community Shopping and Commercial, etc.)
 District to "H" - "H" (Community Shopping
 and Commercial, etc. - Holding) District

	Scale	Reference File No.
	NOT TO SCALE	ZAC-98-02
	Date October, 1998	Drawn By B. B./J. Sims

The Corporation of the City of Hamilton

BY-LAW NO. 98-

To Adopt:

Official Plan Amendment No. 153

Respecting:

**LANDS LOCATED AT 27 DUNDURN STREET NORTH
WITHIN THE STRATHCONA NEIGHBOURHOOD**

The Council of The Corporation of the City of Hamilton enacts as follows:

1. Amendment No. 153 to the Official Plan of the Hamilton Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.
2. It is hereby authorized and directed that such approval of the Official Plan Amendment referred to in section 1 above, as may be requisite, be obtained and for the doing of all things for the purpose thereof.

PASSED this 13th day of October

A.D. 1998

CITY CLERK

MAYOR

(1998) 15 R.P.D.C.1, September 29
Hugh Macleod, Owner
ZAC-98-18/27 Dundurn St. N.

Amendment No. 153
to the
City of Hamilton Official Plan

The following text, together with Schedule "B", attached hereto, constitutes Official Plan Amendment No. 153.

Purpose:

The purpose of this Amendment is to establish "Special Policy Area 78" for 27 Dundurn Street North, to permit limited commercial uses within the "Residential" designation.

Location:

The lands affected by this Amendment are known municipally as 27 Dundurn Street North, within the Strathcona Neighbourhood.

Basis:

The basis for permitting only limited commercial uses within the existing building is as follows:

- 1) The proposed use would allow for adaptive reuse of the existing building, which is listed on the City's inventory of architecturally and/or historically significant buildings; and,
- 2) The subject lands are located on an arterial roadway.

Actual Change:

- 1) Schedule "B" - Special Policy Areas be revised by adding the subject lands as Special Policy Area 78, as shown on the attached Schedule "B" of this Amendment; and,
- 2) The following new policy be added to Subsection A.2.9.3 - Other Policy Areas as Policy A.2.9.3.73:

"In addition to the permitted uses set out in Subsection A.2.1 - Residential Uses, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 78, and located at 27 Dundurn Street North, limited commercial uses will be permitted within the existing building."

Implementation:

A Zoning By-law amendment will give effect to the intended use on the subject lands.

This is Schedule "1" to By-law No. 98- , passed on the day of , 1998.

**The Corporation of the
City of Hamilton**

City Clerk

Mayor

Schedule "B"
Amendment No. 153
to the
Official Plan
for the
City of Hamilton

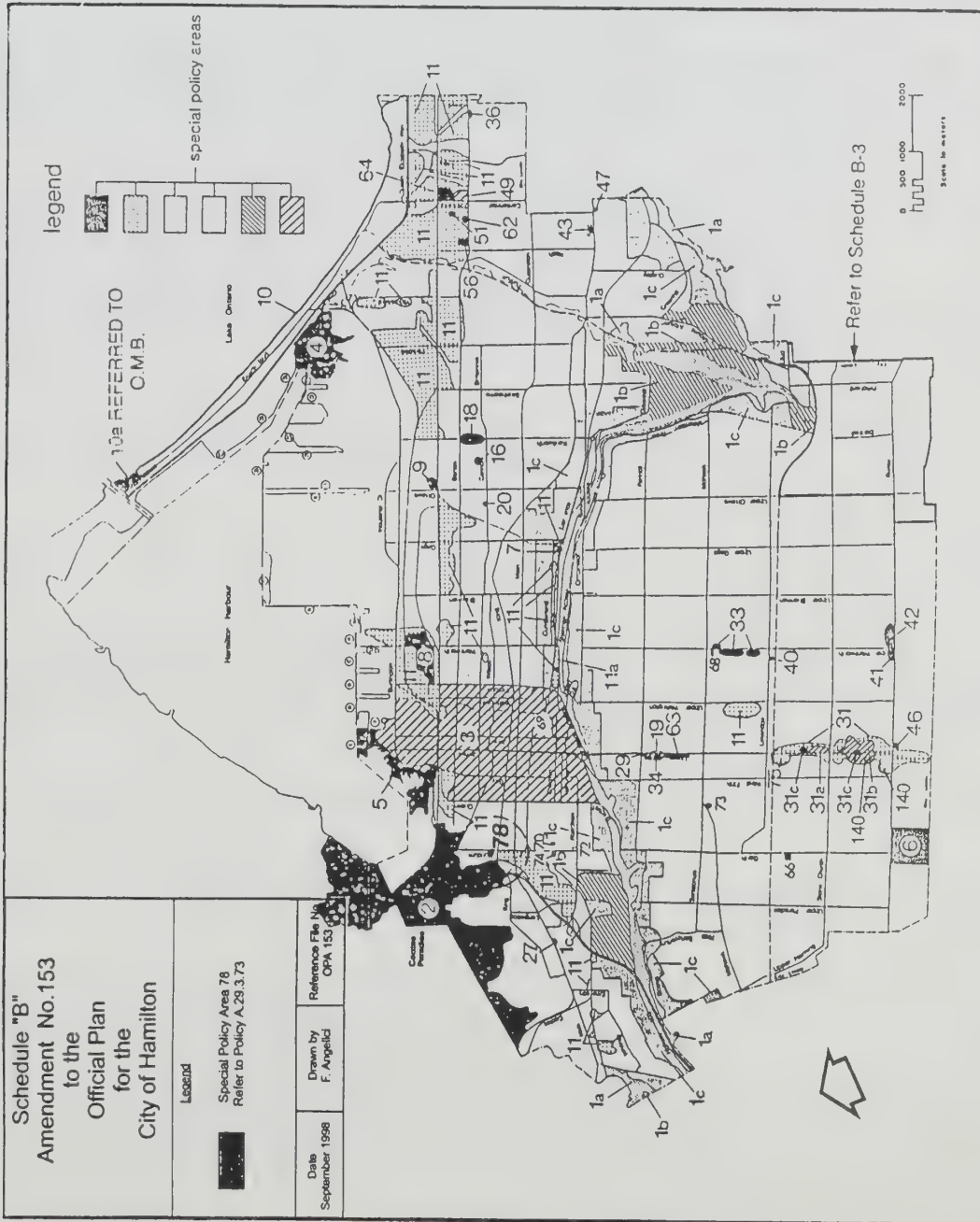
Legend

Special Policy Area 78
Refer to Policy A.29.3.73

Date
September 1998

Drawn by
F. Angeli

Reference File No.
OPA 153



AREA	REFER TO POLICY	AREA	REFER TO POLICY
1(a)	A.29.1	53	"Diverse"
1(b)	A.29.1	54	"Diverse"
1(c)	A.29.1	55	A.25.2.50
2	A.29.2	56	A.25.2.51
3	A.29.3	57	A.25.2.57
4	A.29.2.1	58	A.25.2.58
5	A.29.2.2	59	A.25.2.59
6	A.29.2.3	60	A.25.2.60
7	A.29.2.4	61	A.25.2.61
8	A.29.2.5	62	A.25.2.62
9	A.25.2.6	63	A.29.2.63
10	A.29.2.7	64	A.25.2.64
11	A.29.2.8	65	A.25.2.65
11(a)	A.29.2.8	66	A.25.2.66
11(b)	A.29.2.8	67	A.25.2.67
11(c)	A.29.2.8	68	A.25.2.68
12	"Diverse"	69	A.25.2.69
13	A.29.2.14	70	A.25.2.70
14	A.29.2.16	71	A.25.2.71
15	A.29.2.17	72	A.25.2.72
16	A.29.2.18	73	A.25.2.73
17	A.29.2.19	74	A.29.2.74
18	A.29.2.20		
19	A.29.2.21		
20	A.29.2.22		
21	A.29.2.23		
22	A.29.2.24		
23	A.29.2.25		
24	A.29.2.26		
25	A.29.2.27		
26	A.29.2.28		
27	A.29.2.29		
28	A.29.2.30		
29	A.29.2.31		
30	A.29.2.32		
31	A.29.2.33		
32	A.29.2.34		
33	A.29.2.35		
34	A.29.2.36		
35	A.29.2.37		
36	A.29.2.38		
37	A.29.2.39		
38	A.29.2.40		
39	A.29.2.41		
40	A.29.2.42		
41	A.29.2.43		
42	A.29.2.44		
43	A.29.2.45		
44	A.29.2.46		
45	A.29.2.47		
46	A.29.2.48		
47	A.29.2.49		
48	A.29.2.50		
49	A.29.2.51		
50	A.29.2.52		
51	A.29.2.53		

For other Special Policy Areas numbers, refer to Schedules B-1, B-2, and B-3.

schedule B
to the official plan
for
the city of Hamilton

98 01 28

The Corporation of the City of Hamilton

BY-LAW NO. 98-

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT MUNICIPAL NO. 27 DUNDURN STREET NORTH

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982, as amended by Official Plan Amendment No. 153, proposed by the Council of The Corporation of the City of Hamilton but not yet approved by The Regional Municipality of Hamilton-Wentworth in accordance with the provisions of Sections 4, 17 and 21 of the Planning Act, R.S.O. 1990, Chapter P.13.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. W-22 of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to "D" - 'H' (Urban Protected Residential - One and Two Family Dwellings, etc. - Holding) District, the land,

the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. (a) The 'H' symbol applicable to the land referred to in section 1 shall be removed conditional upon the following:

- (i) The applicant submitting a signed Record of Site Condition (RSC) to the Region and Ministry of Environment (MOE). This RSC must be to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the Ministry of Environment; and,
- (ii) The applicant/owner applying for and receiving approval of a Site Plan Control Application from the City of Hamilton.

(b) The 'H' symbol shall be removed by amendment to this by-law and the development of the lands referred to in section 1 may at such time proceed in accordance with the "D" District provisions, subject to the special requirements contained in section 3 of this by-law.

3. The "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District provisions, as contained in Section 10 of Zoning By-law No. 6593, applicable to the land referred to in section 1, are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 10.(1) of Zoning By-law No. 6593, the following uses shall be permitted only within the building, existing on the day of passing of this By-law:
 - (i) a sixty (60) seat live theatre; and,
 - (ii) a twenty-four (24) seat "unlicensed" restaurant; and,
 - (iii) one (1) dwelling unit; and,
 - (iv) for each establishment a "business identification sign" that is a wall sign and/or window sign of an area of not more than 2.5 square metres (26.91 square feet), no sign shall exceed 2.0 metres (6.0 feet) in height and every sign shall be so designed, installed and maintained as to ensure that the illumination is deflected away from all lands designated for residential uses; and,
- (b) notwithstanding Section 18A of Zoning By-law No. 6593, a minimum of seven (7) parking spaces shall be provided and maintained; and,
- (c) notwithstanding Section 18A.(11) and (12) of Zoning By-law No. 6593, a planting strip not less than 1.5 metres wide shall be provided and maintained along the entire westerly rear lot line and a visual barrier not less than 1.8 metres and not greater than 2.0 metres in height shall be provided and maintained along the entire westerly rear lot line, except for the first 5.0 metres from Hunt Street; and,
- (d) notwithstanding Section 18A.(11) and (12) of Zoning By-law No. 6593, a planting strip not less than 1.0 metres wide shall be provided and maintained along the entire easterly side lot line and a visual barrier not less than 1.8 metres and not greater than 2.0 metres in height shall be provided and maintained along the easterly side lot line, except for the first 5.0 metres from Hunt Street; and,
- (e) a landscape area not less than 6.0 metres in depth shall be provided and maintained along Hunt Street, except for any area used for an access driveway; and,
- (f) every lighting facility shall be so designed, installed and maintained as to ensure that the light is deflected away from all lands designated for residential uses, and any lighting of signs shall similarly be so deflected.

4. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "D" District provisions, subject to the special requirements referred to in section 3.

5. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1412.

6. Sheet No. W-22 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1412.

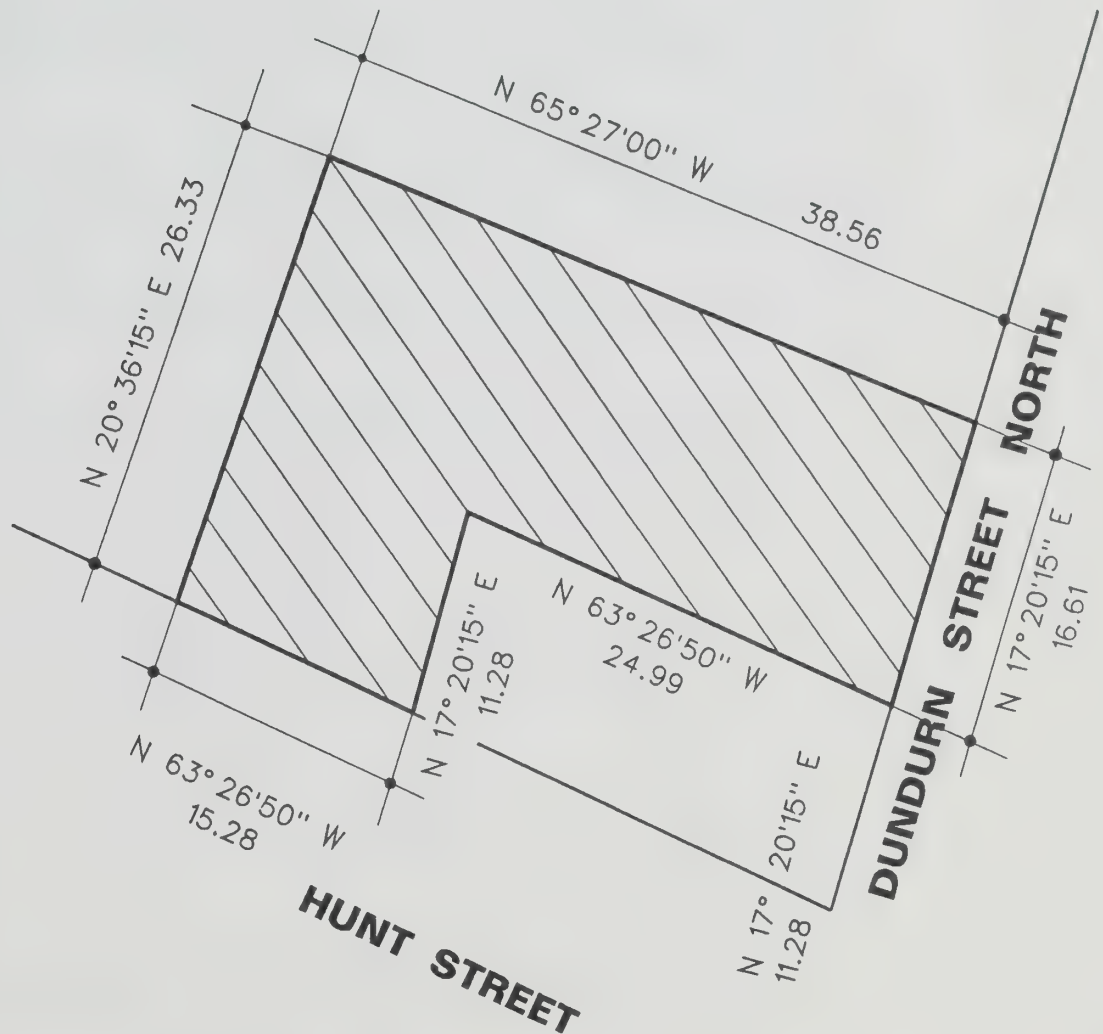
7. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 13th day of October A.D. 1998

CITY CLERK

MAYOR

(1998) 15 R.P.D.C. 1, September 29
Hugh Macleod, Owner
Amended ZAC-98-18



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 98-.....
Passed the day of, 1998.

Clerk

Mayor

City of Hamilton

Schedule "A"

Map Forming Part of
By-Law No. 98-_____
to Amend By-Law No. 6593

Planning and Development Department

Legend

Modification in Zoning:



"D" (Urban Protected Residential-
One and Two Family Dwellings, etc.)
District modified

North



Scale

NOT TO SCALE

Date

September 1998

Reference File No.

ZAC-98-18

Drawn By

B. B.

BY-LAW NO. 98 -

CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 13th DAY OF OCTOBER, 1998.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 13th day of October 1998

CITY CLERK

MAYOR

CA4 ON HBL A05

A31

1998



The Urban/Municipal Collection
2nd Floor
Hamilton Public Library
+ Bill

**URBAN
MUNICIPAL**

1998 October 22

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**Tuesday, 1998 October 27
7:30 o'clock p.m.
Webster Room A, B & C
Hamilton Convention Centre**

**S. G. Hollowell
Acting City Clerk**

AGENDA

1. National Anthem.

2. Opening Prayer:

3. Presentations:

- a) Acting Mayor, Alderman Jackson, to announce awards for 1998 Hamilton Beautification Program, and acknowledge Corporate Sponsors:

Landscape Ontario, Union Gas, The Spectator, Dofasco,
Investors Group, Canadian Tire, F.M. Page & Sons

- b) Commercial/Industrial Award

SMALL- 208 Queen Street North - City Window & Glass

LARGE- Health Science Corporation Nora Francis Henderson Hospital

- c) Pink Trillium Awards

Ward 1 78 Mayfair Cr.

Sasha Weisz

Ward 2 163 Duke Street

Michael & Janice Brown

Ward 3 76 Somerset

Virginia & Ewald Sinkevicius

URBAN MUNICIPAL

OCT 26 1998

GOVERNMENT DOCUMENTS

Ward 4	40 Benson	Lee & Karen Purdy
Ward 5	134 Farrington Cr.	Thai & Lisa Tudo
Ward 6	31 Ridley	Stephen & Dorothy Wran
Ward 7	3 Parkwood Cr.	Gerry Thurston
Ward 8	815 Brigadoon	Barbara Stewart

d) Red Trillium Award- Judges include:

Sharilyn Ingram, Director, RBG
 Mrs. Lydia Szukis, member, Master Gardener Program, Niagara
 Mark Hommersen, Chairman, Hamilton Beautification Program
 Regina Pakalniskis, 1997 Red Trillium winner
 Shirley Elford, Artist & Creator of the Red Trillium Award

Mark Hommersen to present envelope containing winner's name/address

4. Hamilton Civic Awards

a) **Hamilton Hoppers Jumprope Team - Gold Medalists at the National Championships - Halifax**

Members

Julie Bellemare
 Matt Delorey
 Leanne Melloh
 Amanda Pereira

Coaches and Executive

Craig Crawford
 Shannon Crawford
 Marsha Cronjaeger
 Deanna Smith
 Tracy Mogensen

b) **Extreme Energy Baton Group - Gold Medallists at the Provincial Championships**
The Juvenile Dance Twirl Team won the award at Humber College this June
Athletes

Laura Dobbie
 Lisa Dobbie
 Hollyn Hollingsworth-McGrane

Christine Capuano
 Sarah Kiernan
 Catherine Lemyre

This team also won a Silver medal at the Nationals in Newmarket.



- c) Mens solo competition Teddy Pearce won the Gold medal and the National Championship.
- d) Ontario Seniors Games - Actifest is the Provincial Championships, held every two years

Hamilton participants who won awards at Actifest are:

Larry and Freda Dupuis	Gold medal - Cribbage
Noel Eve Clegg & Rosanna Sadwick	Gold medal - Euchre
Jack Malley	Silver medal - swimming
Leo Aresenault & Jim Hawkins	Silver medal - horseshoes
Alice Tia	Bronze medal - Ladies Snooker

5. *Adoption of the minutes of the meetings held:*

- (a) 1998 October 13 (regular meeting)
- (b) 1998 October 20 (special meeting)

6. *Correspondence.*

7. *Reports of the Standing Committees:*

- (c) Planning and Development Committee
- (e) Committee of the Whole (no copy)

8. *Tabled Motions from previous meetings*

9. *Notices of Motion for next meeting.*

10. *Appointment of an Acting Mayor for the month of November 1998.*

11. *Question Period.*

12. *Adjournment.*

MINUTES

Minutes of Hamilton City Council
Tuesday, October 13, 1998
7:30 o'clock p.m.
Albion A, B & C
Hamilton Convention Centre

The Council met:

There were present: Mayor R. M. Morrow, Chairman; Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Jackson, B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan

Mayor R. M. Morrow called the meeting to order.

The National Anthem was played.

Reverend Kelvin Honsinger, Mission Services, led Council in prayer.

Mayor R. M. Morrow welcomed Paul Godfrey, President & CEO, Sun Media Corporation.

ADOPTION OF MINUTES

The following minutes were adopted as circulated:

- (a) 1998 September 25 (special meeting)
- (b) 1998 September 28 (special meeting)
- (c) 1998 September 29 (regular meeting)
- (d) 1998 October 6 (special meeting)

CORRESPONDENCE

1. Letter dated 1998 October 9 from Robert C. Prowse, Regional Clerk respecting the Transport and Operations division.

Received.

2. Application dated 1998 September 28 from Aurelio Marrone and Laurie Marrone, 1465 Upper Sherman Avenue, Hamilton, Ontario, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for lands located east of Upper Sherman Avenue, west of Eaglewood Drive, north of Dalia Avenue, at the rear of 1465 Upper Sherman Avenue.

Received.

3. Subdivision application dated 1998 October 1 from A. DiSilvestro, 161 Rebecca Street, Hamilton, Ontario, regarding 1620 Upper Wentworth Street "Wentwall Estates".

Received.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, and the Finance and Administration Committee, be now considered in Committee of the Whole with Alderman O'Sullivan in the chair.

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Jackson, T. Anderson, B. Charters, B. Kelly, F. D'Amico, D. O'Sullivan. -17.

NAYS: -0.

CARRIED.

* * * * *

TRANSPORT AND ENVIRONMENT COMMITTEE - ELEVENTH REPORT

TRANSPORT AND ENVIRONMENT COMMITTEE - TWELFTH REPORT

Section 1(a) Re: "Smart Moves - Downtown Demonstration Project Implementation"

Recorded vote.

YEAS: Aldermen M. Kiss, B. Morelli, D. Haining, G. Copps, T. Anderson, B. Kelly, D. O'Sullivan. – 07.

NAYS: Mayor R. Morrow, Aldermen M. Caplan, A. Horwath, R. Corsini, D. Wilson, C. Collins, F. Eisenberger, T. Jackson, B. Charters, F. D'Amico. –10. **LOST.**

* * * *

Section 1(d) Re: "Smart Moves – Downtown Demonstration Project Implementation"

It was moved by Alderman Horwath and seconded by Alderman Corsini that the following be added as Item 1(d) of the Twelfth Report of the Transport and Environment Committee for 1998:

1. (d) (i) That King Street West, from James Street North to Bay Street North be reduced from five travelled lanes to three, with increased on-street parking and lay-bys; and,
 - (ii) That the cost of the King Street Smart Moves Demonstration Project, be financed from Regional Account #3011896, Downtown Streetscaping.
- CARRIED.**

* * * * *

It was moved by Alderman Corsini and seconded by Alderman Jackson that Section 1(d) of the Twelfth Report of the Transport and Environment Committee for 1998 as added, be tabled for two weeks in order that staff report back on the costs associated with the implementation of these changes.

Recorded vote to table Section 1(d).

YEAS: Aldermen M. Kiss, R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, T. Jackson, B. Charters, T. Anderson, B. Kelly, F. D'Amico. –11

NAYS: Mayor R. Morrow, Aldermen M. Caplan, A. Horwath, C. Collins, F. Eisenberger, D. O'Sullivan. –06. **CARRIED.**

PARKS AND RECREATION COMMITTEE – TENTH REPORT

Section 1 Re: Alcohol at Mohawk Sports Park

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Anderson, B. Charters, B. Kelly, F. D'Amico, D. O'Sullivan. –16.

NAYS: Alderman T. Jackson -1.

CARRIED.

* * * * *

Section 5(b) Re: Leash Free Pilot Project

Recorded vote.

YEAS: Mayor R. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli, D. Wilson, C. Collins, F. Eisenberger, T. Jackson, B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan. – 15.

NAYS: Aldermen D. Haining, G. Copps. –02.

CARRIED.

* * * * *

Section 7 Re: Option to Purchase, Chedoke Health Corporation

It was moved by Alderman Morelli and seconded by Alderman Haining that Section 7(a) of the Tenth Report of the Parks and Recreation Committee for 1998 be amended by deleting the phrase "(R.L.Cordingley, President) in the first and second line and replacing it with the phrase "(Murray Halpren, Vice-President and Colin G. Lazier, Director)" in lieu thereof. **CARRIED.**

* * * * *

Section 9 Re: Construction of a Crematorium

Recorded vote.

YEAS: Mayor R. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli, D. Haining, D. Wilson, C. Collins, F. Eisenberger, T. Jackson, B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan. –16.

NAYS: Alderman G. Copps. –01.

CARRIED.

* * * * *

Section 12 Re: Landing of Helicopter in Ivor Wynne Stadium

It was moved by Alderman Morelli and seconded by Alderman Kiss that Rule No. 9 of the City's Procedural By-law No. 95-167 be invoked for this meeting of City Council in order to allow the introduction of a resolution respecting the landing of a helicopter in Ivor Wynne Stadium during the Hamilton Tiger Cat Football Pre-Game show, 1998 November 1. **CARRIED.**

* * * * *

Section 12 Re: Landing of Helicopter in Ivor Wynne Stadium

It was moved by Alderman Morelli and seconded by Alderman Kiss that the following resolution be added as Section 12 of the Tenth Report of the Parks and Recreation Committee for 1998:

12. (a) That approval as required by Section 23 of Parks By-law No. 95-126 as amended, be given to Her Majesty in Right of Canada as represented by the Ministry of National Defence and the Argyll and Sutherland Highlanders of Canada and the Air Reserve Helicopter Squadron to land a helicopter in Ivor Wynne Stadium during the Hamilton Tiger Cat Football Pre-Game show, 1998 November 1, as part of their Reserve Appreciation Day subject to the Terms and Conditions of the Special Event Guidelines; and,
- (b) That consistent with the requirements of the Special Events Guidelines, the City of Hamilton receive indemnification from Her Majesty in Right of Canada for the landing of a helicopter in Ivor Wynne Stadium. **CARRIED.**

<p>PLANNING AND DEVELOPMENT COMMITTEE – SEVENTEENTH REPORT</p>

Section 2(b) Re: Design Study of the Downtown Secondary Plan

It was moved by Alderman Anderson and seconded by Alderman Kelly that Section 2(b) of the Seventeenth Report of the Planning and Development Committee for 1998 be tabled for two weeks. **CARRIED.**

* * * * *

Section 10 Re: Extension to Remove Part-Lot Control

It was moved by Alderman D'Amico and seconded by Alderman Copps that Section 10 of the Seventeenth Report of the Planning and Development Committee for 1998 be added as follows:

10. (a) That approval be given to the request by John Parente, Solicitor for 822827 Ontario Inc. (A. DiSilvestro, President), owner, for a 1 year extension to remove part-lot control in order to establish maintenance easements for Lots 2 - 4, inclusive, Lots 7 - 11, inclusive, Lots 13 - 16, inclusive and Lots 27 - 30, inclusive, located in "Wisemount Estates, Phase 8", Registered Plan No. 62M-826, known municipally as 171 - 203 Lockheed Drive, inclusive, and 2 - 19 Mansion Court, inclusive, as shown on Appendix "C"; and,
- (b) That the appropriate By-law, to extend the removal of part-lot control until January 1, 2000, from Lots 2 - 4, inclusive, Lots 7 - 11, inclusive, Lots 13 - 16, inclusive and Lots 27 - 30, inclusive, Registered Plan 62M-826, "Wisemount Estates, Phase 8" plan of subdivision, be enacted by Council. **CARRIED.**

* * * * *

Section 11 Re: Zoning By-laws

It was moved by Alderman D'Amico and seconded by Alderman Copps that Section 11 of the Seventeenth Report of the Planning and Development Committee for 1998 be added as follows:

11. (a) A By-law to Extend By-law No. 98-19 Respecting Land Within the "Wisemount Estates - Phase 8" Subdivision, Plan 62M-826 from Part Lot Control.
- (b) A By-law to Adopt Official Plan Amendment No. 150 Respecting Lands Located at 852 Upper Wentworth Street Within the Bruleville Neighbourhood.
- (c) A By-law to Amend Zoning By-law No. 6593 as Amended by Zoning By-laws No. 95-111 and 97-153 Respecting Lands Located at Municipal No. 852 Upper Wentworth Street. **CARRIED.**

FINANCE AND ADMINISTRATION COMMITTEE - NINETEENTH REPORT

Section 10 Re: Grant to All Star Jazz Band

It was moved by Mayor Morrow and seconded by Alderman Corsini that the following be added as Section 10 of the Nineteenth Report of the Finance and Administration Committee for 1998:

10. That a Capital Grant in the amount of \$5,000 be awarded to the "All Star Jazz Band" and be funded from the Reserve for Capital Projects Account.

Recorded vote.

YEAS: Mayor R. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, D. Haining, D. Wilson, C. Collins, F. Eisenberger, T. Jackson, B. Charters, B. Kelly, F. D'Amico, D. O'Sullivan. -14.

NAYS: Alderman G. Copps. -01.

CARRIED.

MOTION TABLED FROM PREVIOUS MEETING

Re: Downtown Convert/Renovate-to-Residential Loan Program

It was moved by Alderman D'Amico and seconded by Alderman Caplan that Section 7 of the Fifteenth Report of the Planning and Development Committee for 1998 tabled for two weeks by Council at its meeting of 1998 September 29, be tabled for a further two weeks. **CARRIED.**

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, and the Finance and Administration Committee, be adopted.

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Jackson, B. Charters, B. Kelly, F. D'Amico, D. O'Sullivan. -15.

NAYS: -0.

CARRIED.

City Council then adjourned at 9:55 o'clock p.m.

Taken as read and approved.

**MAYOR R. M. MORROW
CHAIRMAN**

J. J. Schatz, City Clerk
1998 October 13
/bc

Minutes of City Council
1998 October 20
7:15 o'clock p.m.
Room 233, City Hall

The Council met:

Present: Mayor R. M. Morrow, Chairman.
Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli,
D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger,
B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan.

Absent: Alderman T. Jackson – Regional Business

Mayor R. M. Morrow called the meeting to order.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Finance and Administration Committee, and resolutions be now considered in Committee of the Whole, with Mayor R. Morrow in the Chair.

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath,
R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins,
F. Eisenberger, B. Charters, T. Anderson, B. Kelly, F. D'Amico,
D. O'Sullivan. -16.

NAYS: -0.

CARRIED.

FINANCE AND ADMINISTRATION COMMITTEE – TWENTIETH REPORT
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RESOLUTION
Complement Approval Process

It was moved by Alderman Eisenberger and seconded by Alderman Caplan

That the following Complement Approval Process be approved:

- (a) That approval for all complement adjustments that can be accommodated within budget, or result in net savings, rest with the City Manager.
- (b) That approval for all complement adjustments which result in a net cost that cannot be accommodated within budget rest with the City and Regional Councils.
- (c) That the City Manager report, on a semi-annual basis, to the City and Regional Councils through the appropriate Standing Committees the deployment of human resources in the City and Regional Corporations.
- (d) That the City Manager be required to provide a recommendation with regard to the filling of a vacant General Manager position or a vacant Statutory Officer position to the City and Regional Councils and the Manager of Engineering Operations to City Council.
- (e) That the City Manager have the authority to approve the hiring of all other employees of the City and Regional Corporations.
- (f) That the City Solicitor be authorized and directed to make the appropriate changes to City of Hamilton Procedural By-law 95-167, as amended by By-law 96-135.

* * * * *

It was moved by Alderman Morelli and seconded by Alderman Haining that section (a) of the resolution respecting the Complement Approval Process be amended by adding at the end of the section the words "and the Chairman of the Finance and Administration Committee". **LOST.**

* * * * *

It was moved by Alderman Charters and seconded by Alderman Wilson that section (c) of the resolution respecting the Complement Approval Process be amended by deleting the word "semi-annual" in the first line and inserting in lieu thereof the word "quarterly". **CARRIED.**

* * * * *

Council then voted on the resolution respecting the Complement Approval Process as amended and approved it as follows:

That the following Complement Approval Process be approved:

- (a) That approval for all complement adjustments that can be accommodated within budget, or result in net savings, rest with the City Manager.
- (b) That approval for all complement adjustments which result in a net cost that cannot be accommodated within budget rest with the City and Regional Councils.
- (c) That the City Manager report, on a quarterly basis, to the City and Regional Councils through the appropriate Standing Committees the deployment of human resources in the City and Regional Corporations.
- (d) That the City Manager be required to provide a recommendation with regard to the filling of a vacant General Manager position or a vacant Statutory Officer position to the City and Regional Councils and the Manager of Engineering Operations to City Council.
- (e) That the City Manager have the authority to approve the hiring of all other employees of the City and Regional Corporations.
- (f) That the City Solicitor be authorized and directed to make the appropriate changes to City of Hamilton Procedural By-law 95-167, as amended by By-law 96-135.

ALDERMEN MORELLI, HAINING AND ANDERSON RECORDED AS OPPOSED.

RESOLUTION

Bill C-121: A By-law to Amend Zoning By-law No. 6593 and to Repeal Zoning By-law Nos. 70-42 and 98-256 Respecting Land Located at Municipal No. 649 Upper James Street.

Rule No. 9 Re: Bill C-121: A By-law to Amend Zoning By-law 6593

It was moved by Alderman D'Amico and seconded by Alderman Copps that Rule No. 9 of the City's Procedural By-law No. 95-167 be invoked for this meeting of City Council in order to consider the adoption of a By-law Respecting Land Located at Municipal No. 649 Upper James Street.

CARRIED.

* * * * *

It was moved by Alderman D'Amico and seconded by Alderman Copps that the following Bill be signed, sealed and enrolled as a By-law:

C-121: A By-law to Amend Zoning By-law No. 6593 and to Repeal Zoning By-law Nos. 70-42, 98-242 and 98-256 Respecting Land Located at Municipal No. 649 Upper James Street. **CARRIED.**

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Report of the Finance and Administration Committee, and resolutions, be adopted.

Recorded vote.

YEAS: Mayor R. M. Morrow, Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan. -16.

NAYS: -0.

CARRIED.

* * * * *

City Council then adjourned at 7:30 o'clock p.m.

* * * * *

Taken as read and approved.

**MAYOR R. M. MORROW
CHAIRMAN**

S. G. Hollowell, Acting City Clerk
1998 October 20
SGH/dg

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **TWENTIETH** Report for 1998 and respectfully recommends:

1.
 - (a) That the District Energy System Political Steering Committee be composed of Aldermen Bob Charters, Fred Eisenberger, Terry Anderson and Dave Wilson; and,
 - (b) That, subject to receipt of confirmation of legal authority, or the process for obtaining such authority, for the District Energy System, the Steering Committee be:
 - (i) Authorized and directed to invite proposals, through an expression of interest, for the supply of energy; and,
 - (ii) Instructed to report to the City of Hamilton Finance and Administration Committee and Region of Hamilton-Wentworth Environmental Services Committee on its recommended choice of a supplier; and,
 - (iii) Authorized and directed to initiate, on behalf of Regional Council, a Class Environmental Assessment Process (master plan) for the District Energy System with specific emphasis on the energy transmission component; and,
 - (c) That a managing interest for the District Energy System be established through control of the transmission system.
2. That the City of Hamilton supports the resolution which will be presented by David Christopherson, MPP, to the Legislative Assembly respecting Provincial downloading as follows:

“That this House urge the Harris government to acknowledge the downloading of services and expenditures to Hamilton and Hamilton Wentworth is not revenue neutral and has in fact created an unacceptable crisis in local property tax increases and,

That this House urge the Harris government to acknowledge that:

Mike Harris and the Conservative Party of Ontario promised the citizens of Ontario fair an equitable taxation in the Common Sense Revolution, and property tax is an unfair and regressive form of taxation.

Mike Harris promised – in bold letters – on page five of the Common Sense Revolution “We will work closely with municipalities to ensure that any actions we take will not result in increases to local property taxes.”

Mike Harris also promised that the province’s exchange of services and expenditures would be revenue neutral.

The Harris downloading has short-changed the citizens of Hamilton and Hamilton Wentworth by \$36.3 million per year forcing dramatic property tax hikes.

The Harris government’s own figures confirm this \$36.3 million shortfall.

The eight year phase in of the Harris government’s Business Education Tax has discriminated against Hamilton and Hamilton Wentworth by putting an additional \$17 million dollar burden onto local taxpayers.

The Province reneged on its original commitment to a three year Small Business Rebate Program, and will now only fund the program for one year.

Many of our citizens may lose their homes, businesses and jobs as a result of the drastic property tax increases foisted on local taxpayers by the Mike Harris government.

Any future downturn in the economy could potentially bankrupt the municipalities who must now bare the brunt of increased social service costs and responsibilities.

City and Regional councillors are being unfairly blamed and forced to explain these huge Harris tax hikes.

That this House urge the Harris government to immediately pay back to Hamilton and Hamilton Wentworth the \$36.3 million they have shortchanged our community, and

That this House urge the Harris government to eliminate the \$17 million dollar cost of their Business Education Tax by revoking the eight year phase in period and moving immediately to the provincial average, as well as reinstating their original three year commitment to the Small Business Rebate Program.

3. That the following Bill be adopted, signed, sealed and enrolled as a By-law:

D-52 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

Respectfully submitted,

**ALDERMAN D. WILSON, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan K. Reeder
Secretary
1998 October 20**

CORRESPONDENCE

Correspondence:

1. Letter dated 1998 October 8 from Ken Hall, Chairman, Giant's Rib Discovery Centre Project Team respecting Site Selection.

Be Referred to the Parks and Recreation Committee

2. Letter dated 1998 October 14 from S. Glover, Secretary, Mayor's Committee Against Racism and Discrimination respecting the greeting sign on Hamilton Mountain.

Be Received.

1.

GIANT'S RIB DISCOVERY CENTRE THE NIAGARA ESCARPMENT WORLD BIOSPHERE

P.O. Box 7099, Mineral Springs Road, Ancaster, Ontario L9G 3L3

8 October 1998

Mayor and Members of Council
City of Hamilton
71 Main Street West
Hamilton, ON
L8P 4Y5

Dear Mayor Morrow and Members of Council:

Re: Giant's Rib Discovery Centre Site Selection Decision

The Giant's Rib Discovery Centre Project Team has selected a site in the Town of Flamborough for the proposed Centre. It is the Sheppard's Quarry property close to Clappison Corners. This site was the choice of our project team, the project consultants, Kees Verburg and Terry Heard, and of planning staff at the Hamilton Region Conservation Authority who all looked at potential sites during the spring and fall of this year.

I am writing to inform you of this choice and to thank you and City staff for your assistance with our site selection process.

I also am writing in response to your request passed by resolution on September 29, 1998 that "the Hamilton Region Conservation Authority reconsider and amend their criteria for the location of the proposed Giant's Rib Discovery Centre". Although the Hamilton Region Conservation Authority supports this project through staff time and a modest amount of funding, it is our project team who have been assessing sites in order to select the best location for the Centre. The criteria for the site were established following a lengthy process with our consultants and a full advisory committee.

The site criteria are good ones and fit the aesthetic needs for the Centre very well. They are also very practical in considering such things as access to a major tourist route, servicing, other nearby attractions and access to Escarpment parkland. We feel that we cannot change the criteria without altering the concept or the practicality of the Centre. Such alterations would also affect our ability to raise funds and the attractiveness of the Centre to tourists, both of which have significant financial implications.

In addition, any changes to the criteria would necessitate that we reexamine all of the sites in the

other municipalities in the light of those changes. For all of these reasons, we feel that we cannot alter the site criteria.

Our project team and consultants examined over forty potential sites in this region. There were 13 within the City of Hamilton. All of the Hamilton sites were attractive but were less preferred for a variety of reasons (e.g; nearness to the Escarpment, adjacent incompatible land uses, access to a major tourist route) than the site in Flamborough.

Our goal has always been to obtain the best site for the Giant's Rib Discovery Centre in order to attract financial support now and visitors to the Centre in the future. We now begin the most challenging part of this project - raising the money required to make this Centre a reality.

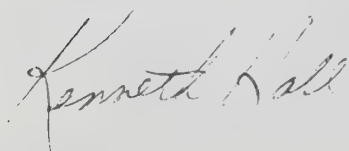
We also will be setting up a board of directors, completing a business plan and developing partnerships. We want to ensure that as this project progresses, we work together for the benefit of all the municipalities in this Region. The Giant's Rib Discovery Centre will benefit **all** of the local municipalities by attracting visitors who will be looking for local accommodations, restaurants and other attractions.

We would be delighted to hear from you regarding any potential partnerships you feel can be developed. We also hope to obtain the support of all Regional councillors for this project.

Thank you again for your interest in the Giant's Rib Discovery Centre. We are embarking on an exciting and new project for Hamilton-Wentworth.

Please contact me at 627-1320 if you have any questions.

Yours sincerely,

A handwritten signature in cursive script that reads "Kenneth Hall".

Ken Hall
Chairman
Giant's Rib Discovery Centre Project Team

**MAYOR'S COMMITTEE AGAINST
RACISM AND DISCRIMINATION**

2.

1998 October 14

Mr. J.J. Schatz,
City Clerk,
City of Hamilton,
71 Main Street West,
Hamilton ON L8P 4Y5

Dear Mr. Schatz:

Re: Greetings Sign on Hamilton Mountain

At its meeting of 1998 June 29 the Mayor's Committee Against Racism and Discrimination discussed a suggestion that the "Merry Christmas" sign on Hamilton mountain be replaced with a more culturally inclusive greeting and approved the following recommendation:

"That the Mayor's Committee Against Racism and Discrimination recommend to City Council that the sign on Hamilton mountain which reads "Merry Christmas" be replaced with a sign reading "Hamilton Wishes Peace on Earth" or, if the cost of a new sign is prohibitive, that the "Season's Greetings" sign be reinstalled."

While this recommendation was not supported by His Worship, Mayor Robert Morrow, the Honorary Chair, he did concur that this information be conveyed to City Council for its information.

Yours truly,



Stella Glover, Secretary,
Mayor's Committee Against
Racism and Discrimination

Cc: Mayor Robert M. Morrow, Honorary Chairperson, Mayor's Committee Against Racism and Discrimination

PLANNING AND DEVELOPMENT COMMITTEE

REPORTS

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **EIGHTEENTH** Report for 1998 and respectfully recommends:

1. That approval be given to Zoning Application 98-33, 1242324 Ontario Inc., Dominic Occhionorelli, owner, for a modification to the established "H" (Community Shopping and Commercial, etc.) District (Block "1") and "G - 1" (Designed Shopping Centre) District (Block "2") to permit a lodging house to accommodate ninety (90) senior citizens within the existing building, for property located at 330 and 342 Dundurn Street South, as shown on the attached map marked as Appendix "A", on the following basis:
 - (a) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law 6593, applicable to Block "1" be modified to include the following variances as special provisions:
 - (1) That notwithstanding Section 14(1) (i), the following uses shall be permitted:
 - (a) a senior citizens "lodging house" for the accommodation of a maximum of ninety (90) persons within three floors of the building; and,
 - (b) a lodging room having bathroom facilities; and,
 - (b) That the "G-1" (Design Shopping Centre) District regulations as contained in Section 13A of Zoning By-law 6593, applicable to Block "2" be modified to include the following variance as a special provision:
 - (1) That notwithstanding Section 13A(1), only parking accessory to the lodging house on Block "1" shall be permitted; and,
 - (c) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1415, and that the subject lands on Zoning District Map W-24 be notated S-1415; and,
 - (d) That the City Solicitor be directed to prepare a By-law to amend zoning By-law No. 6593 and Zoning District Map W-24, for presentation to City Council; and,

- (e) That this proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
 - (f) That Blocks "1" and "2" be redesignated on the Approved Kirkendall North Neighbourhood Plan from "Commercial" to "Medium Density Apartments" upon finalization of the implementing By-law; and,
 - (g) That for the purpose of this By-law, a senior citizens lodging house means a lodging house within which all residents are at least 60 years of age or older.
2. That approval be given to Zoning Application ZAC-98-38, Aurello Marrone and Laurie Marrone, owners, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit the use of the subject lands for single family residential uses, for lands located east of Upper Sherman Avenue, west of Eaglewood Drive, north of Dalia Avenue and located at the rear of 1465 Upper Sherman Avenue, as shown on the attached map marked as Appendix "B", on the following basis:
- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,
 - (b) That the Director of Planning and Development be authorized to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-38C and E-38D for presentation to City Council; and,
 - (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning.
3. That approval be given to Zoning Application ZAC-98-36, Silvestri Investments, owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit the use of the subject lands for single family residential uses, in accordance with the "Falconstone" draft approved plan of subdivision, for lands located north of Stone Church Road East, west of the future extension of Distin Drive, as shown on the attached map marked as Appendix "C", on the following basis:
- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,
 - (b) That the Director of Planning and Development be authorized to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18C for presentation to City Council; and,
 - (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning area.

4. That a purchase order be issued to Modern Ornamental Iron Works (Hamilton) Limited, in the amount of \$85,600 including all taxes, for the fabrication and installation of steel components for Ferguson Avenue between King Street East and King William Street, being the only tender received in accordance with Purchasing procedures, and that this expenditure be financed from the Downtown Phase of the Ferguson Avenue Master Plan Account Number CF 5698 409755037.
5. That the Building Commissioner be authorized to issue a demolition permit for 52 Fraser Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.
6. That the Building Commissioner be authorized to issue a demolition permit for 56 Peter Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.
7. That the Building Commissioner be authorized to issue a demolition permit for 58 Peter Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.
8. That the Building Commissioner be authorized to issue a demolition permit for 62 Peter Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.
9. That the Building Commissioner be authorized to issue a demolition permit for 66 Peter Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.
10. That the Building Commissioner be authorized to issue a demolition permit for 68 Peter Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.
11. That the City of Hamilton accept the sum of \$13,200 as a cash payment in lieu of the 5% land dedication in connection with "Central Estates", Hamilton being the cash payment required under 51.1 of the Planning Act.

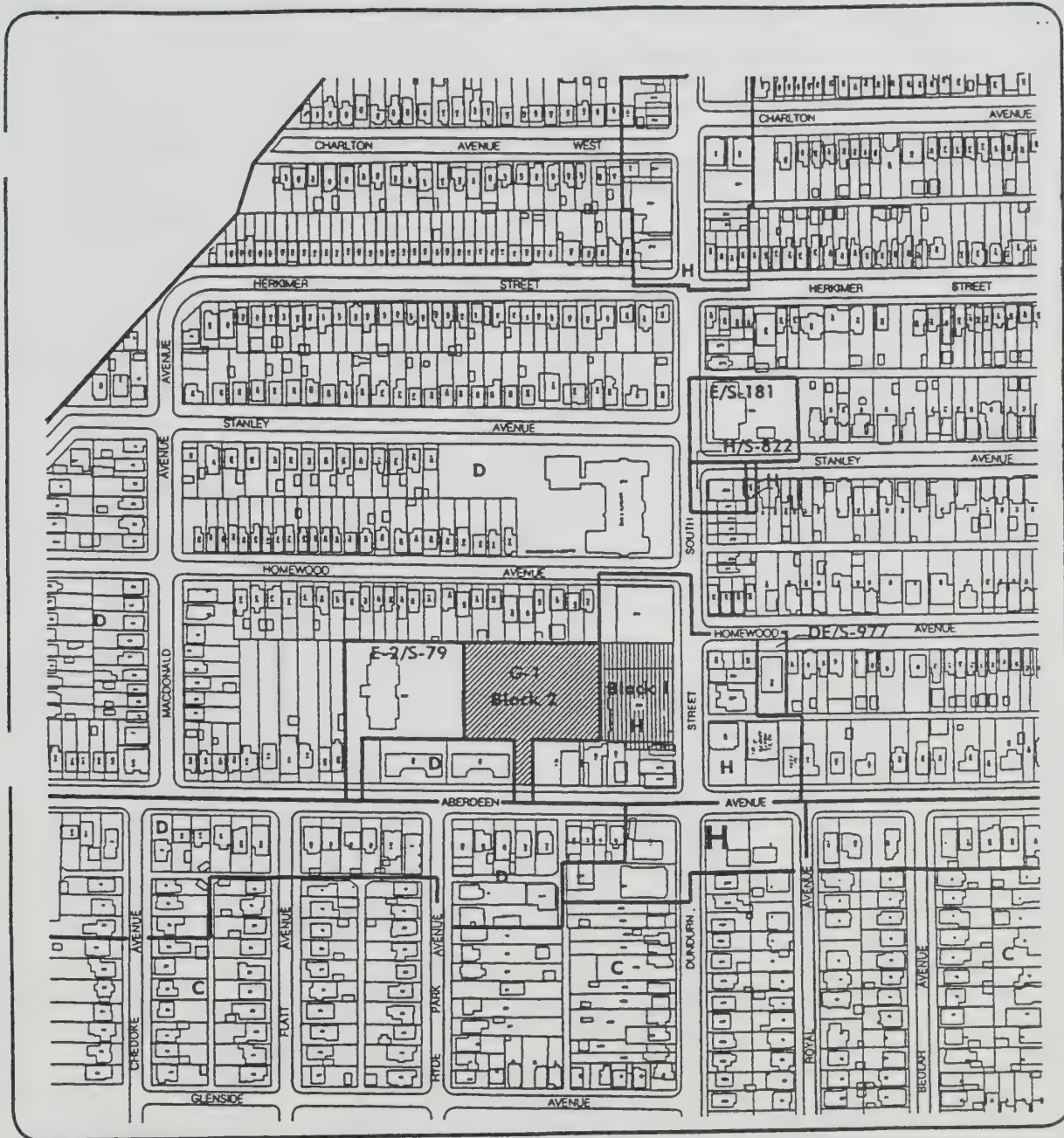
1998 October 27

12. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
- (a) C-122 A By-law to Adopt Official Plan Amendment No. 154 Respecting Lands Located at 537 Queenston Road Within the Kentley Neighbourhood.
 - (b) C-123 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Located at Municipal Nos. 535 and 537 Queenston Road.
 - (c) C-124 A By-law to Establish Site Plan Control Respecting Lands Located at Municipal Nos. 535 and 537 Queenston Road.

Respectfully submitted,

**ALDERMAN F. D'AMICO
PLANNING AND DEVELOPMENT
COMMITTEE**

**Tina Agnello, Secretary
1998 October 21**



Sites of the Application



Block 1



Block 2

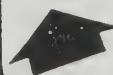
Modification to the "H" (Community
Shopping and Commercial, etc.)
District and "G-1" (Designed Shopping
Centre) District

City of Hamilton

Location Map

Planning and Development Department

North



Scale
NOT TO SCALE

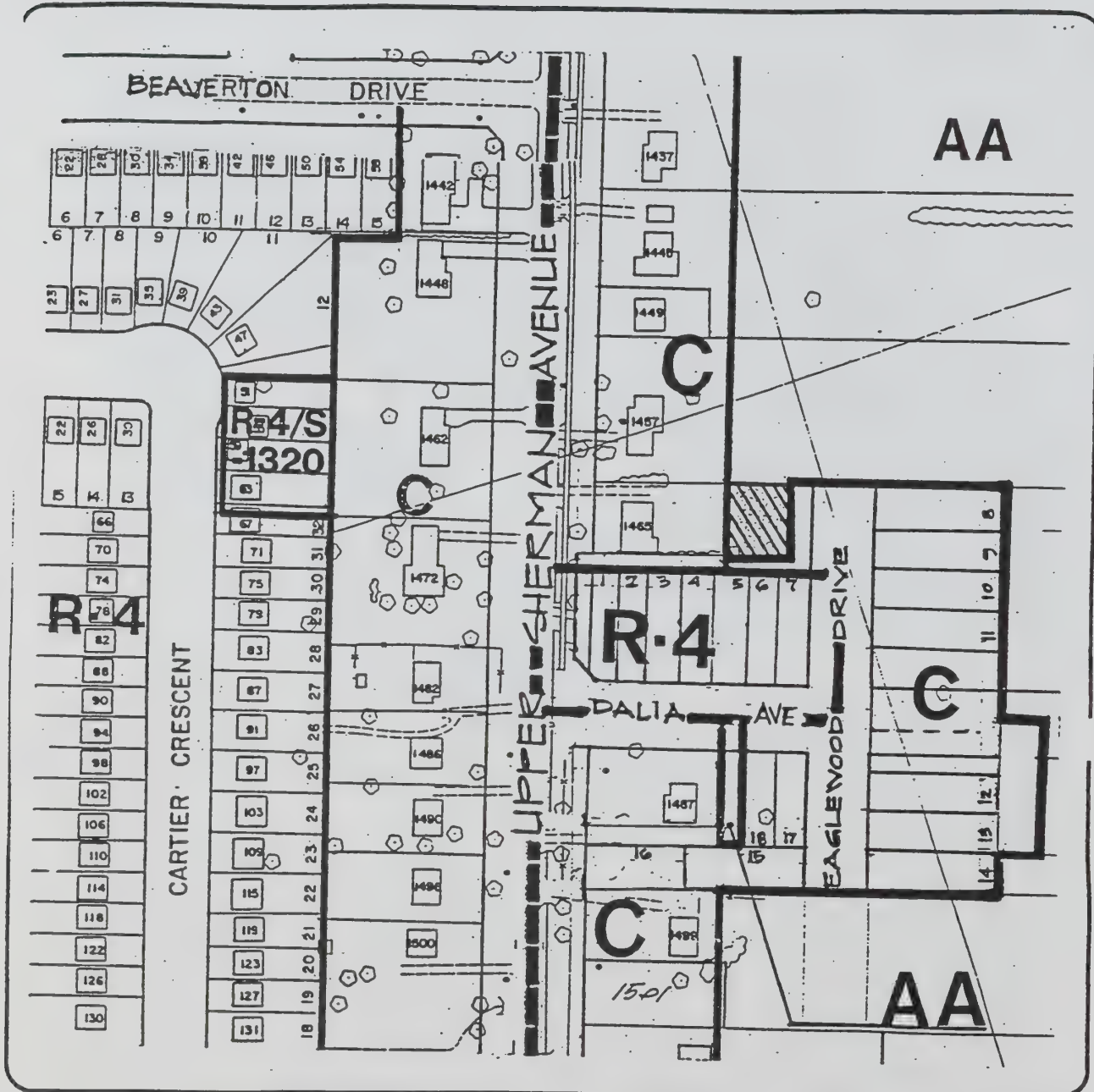
Date
August, 1998

Reference File No.
ZAR-98-33

Drawn By
J.Sims

1998 October 27

Appendix "B" referred to in Section 2(a) of the EIGHTEENTH Report of the Planning and Development Committee for 1998



Legend

Change in Zoning:



From "AA" (Agricultural) District to
"C" (Urban Protected Residential, etc.) District

City of Hamilton

Location Map

Planning and Development Department

North



Scale
NOT TO SCALE

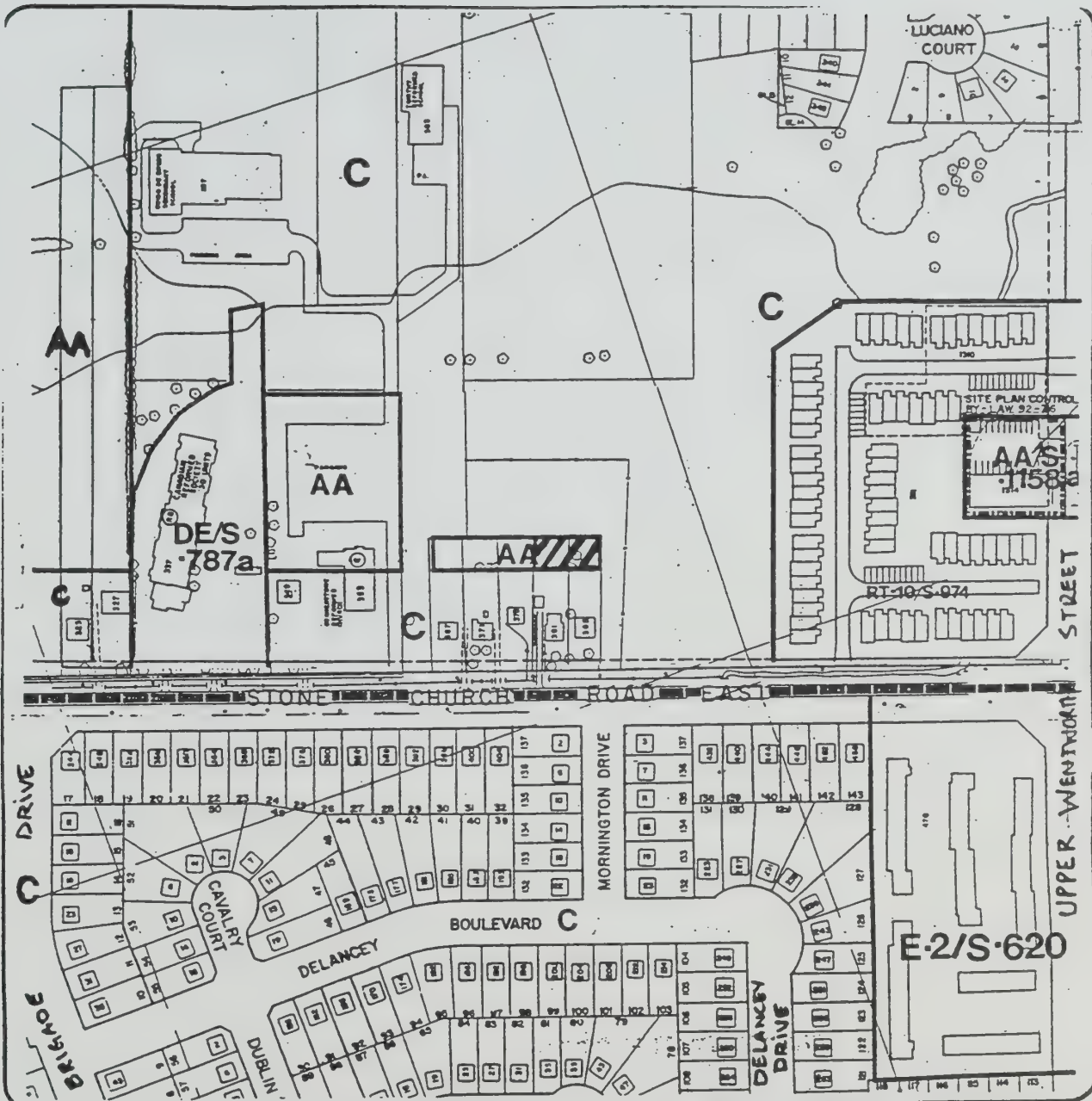
Reference File No.
ZAC-98-38

Date
September, 1998

Drawn By
B. B.

1998 October 27

Appendix "C" referred to in Section 3 of the EIGHTEENTH Report of the Planning and Development Committee for 1998



Legend



Site of the Application

City of Hamilton

Location Map

Planning and Development Department

North



Scale
NOT TO SCALE

Date
SEPT 1998

Reference File numb
ZAC-98-36

Drawn By
D.L.

TABLED MOTIONS
FROM PREVIOUS MEETINGS

Section 30 of the Special meeting of Council which was tabled by Hamilton City Council at its meeting held 1998 July 7.

- "30. (a) That the proposed Planning Tariff fees for planning applications, as contained in appendix "A" be approved; and ,
- (b) That the City Solicitor be directed to further amend By-law 97-084 to incorporate the new fee structure; and,
- (c) That the Union position deleted by the Committee of the Whole, at its meeting of June 16, 1998 be reinstated based on the anticipated workloads and because the budget requirement to be met by the Planning and Development Committee will be offset by the \$55,015 increase in planning fees. "

Section 1 (d) of the Twelfth Report of the Transport and Environment Committee for 1998 which was added and tabled for two weeks by Hamilton City Council at its meeting held 1998 October 13 in order that staff report back on the costs associated with the implementation of these changes.

- "(d) (i) That King Street West, from James Street North to Bay Street North be reduced from five travelled lanes to three, with increased on-street parking and lay-bys; and,
- (ii) That the cost of the King Street Smart Moves Demonstration Project, be financed from Regional Account #3011896, Downtown Streetscaping."

Section 2 (a) of the Seventeenth Report of the Planning and Development Committee for 1998 which was tabled for two weeks by Hamilton City Council at its meeting held 1998 October 13.

- "2. (b) That the submission of Price Waterhouse Coopers be selected as the consultants to undertake the Economic and Development Financing Studies of the Downtown Secondary Plan, at a cost of \$40,000."

Section 7 of the FIFTEENTH Report of the Planning and Development Committee tabled for two weeks by Council at its meeting of 1998 September 19 and further tabled for two weeks by Council at its meeting of 1998 October 13.

- "7. (a) That a loan under the Downtown Convert/Renovate-to-Residential Loan Program in the amount of up to four hundred thousand dollars, (\$400,000) to DeSantis Group Inc., (Tony DeSantis) for conversion of 25 Hughson Street South into twenty five (25) residential units be approved, subject to the following:
- (i) Fulfilment of the borrowing requirements of the Downtown Convert/Renovate-to-Residential Loan Program; and,
 - (ii) Exact amount of loan to be determined once unit sizes are finalized; and,
 - (iii) Approval by the Ministry of Municipal Affairs and Housing of an amended Downtown Community Improvement Plan; and,
- (b) That Schedule "A" of By-law 97-140 be amended to replace the maximum of eight (8) units per deeded property with a maximum of \$500,000 per deeded property; and,
- (c) That staff take the necessary steps under the Planning Act to amend the Downtown Community Improvement Plan and the By-law; and,
- (d) That the City Solicitor be authorized to prepare the necessary By-law; and,
- (e) That a grant under the Core Heritage 2000 Program in the amount of \$75,000 to DeSantis Group Inc., (Tony DeSantis) for facade improvements be approved, subject to the applicant meeting the requirements of the Program that is currently pending approval by the Ministry of Municipal Affairs and Housing; and,
- (f) That the loan approval be conditional on the applicant receiving a structural permit within three months of 1998 September 23, and a building permit within six months of 1998 September 23."



**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**TUESDAY, 1998 OCTOBER 27
7:30 O'CLOCK P.M.
HAMILTON CONVENTION CENTRE**

BILLS

The Corporation of the City of Hamilton

BY-LAW NO. 98-

To Adopt:

Official Plan Amendment No. 154

Respecting:

**LANDS LOCATED AT 537 QUEENSTON ROAD
WITHIN THE KENTLEY NEIGHBOURHOOD**

The Council of The Corporation of the City of Hamilton enacts as follows:

1. Amendment No. 154 to the Official Plan of the Hamilton Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.
2. It is hereby authorized and directed that such approval of the Official Plan Amendment referred to in section 1 above, as may be requisite, be obtained and for the doing of all things for the purpose thereof.

PASSED this 27th day of October A.D. 1998.

CITY CLERK

MAYOR

(1998) 15 R.P.D.C. (2), September 29
Marco Ramelli and Mukesh Patel, Owner
ZAC-98-27/537 Queenston Road

Amendment No. 154
to the
City of Hamilton Official Plan

The following text, together with Schedule "B", attached hereto, constitutes Official Plan Amendment No. 154.

Purpose:

The purpose of this Amendment is to establish a Special Policy Area for 537 Queenston Road to permit a naturopathic clinic within the "Residential" designation.

Location:

The lands affected by this Amendment are situated on the north side of Queenston Road, east of the Red Hill Creek Valley, and known municipally as No. 537 Queenston Road, within the Kentley Neighbourhood.

Basis:

The basis for the Special Policy Area to permit a naturopathic clinic within the existing building at 537 Queenston Road is as follows:

- 1) the naturopathic clinic is located on a major arterial road; and,
- 2) the nature and operational characteristics of the naturopathic clinic use is similar to other existing land uses along Queenston Road.

Actual Changes:

- 1) Schedule "B" - Special Policy Areas be revised by adding the subject lands as Special Policy Area 79, as shown on the attached Schedule "B" of this Amendment; and,

- 2) Section A.2.9.3 be amended by adding the following as Policy A.2.9.3.74:

"Notwithstanding Subsection A.2.1 - Residential Uses, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 79, and known municipally as 537 Queenston Road, a naturopathic clinic will be permitted within the existing building.

Implementation:

A Zoning By-law amendment will give effect to the intended use on the subject lands.

This is Schedule "1" to By-law No. 98- , passed on the day of , 1998.

**The Corporation of the
City of Hamilton**

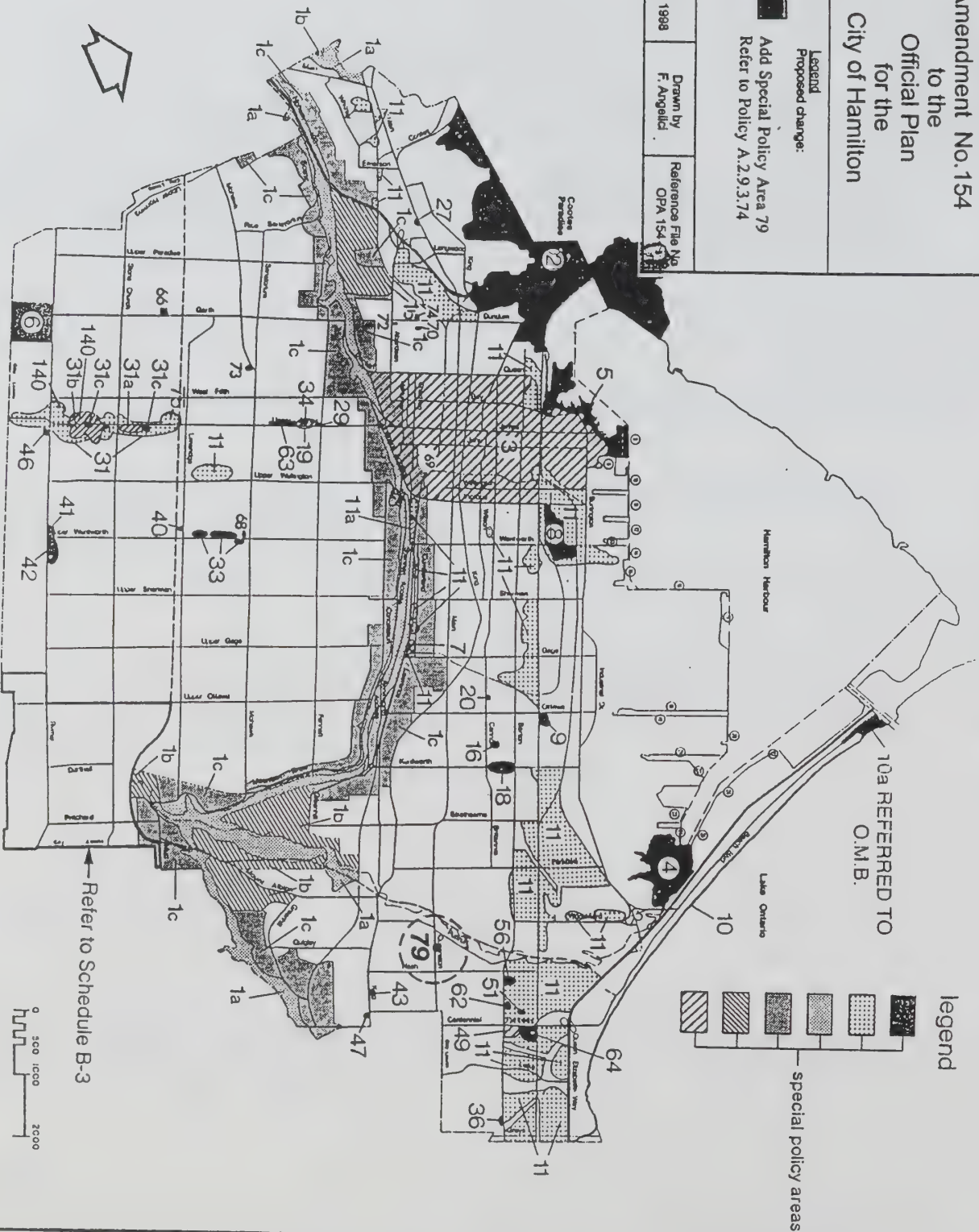
City Clerk

Mayor

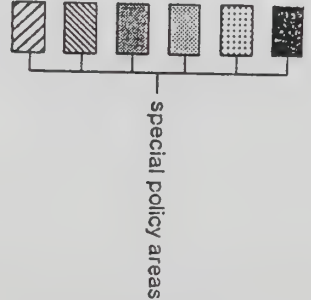
Schedule "B"
Amendment No.154
to the
Official Plan
for the
City of Hamilton

Legend
Proposed change:
 Add Special Policy Area 79
 Refer to Policy A.2.9.3.74

Date
 September 1998
Drawn by
 F. Angelidis
Reference File No.
 OPA 154



Legend



special policy areas

AREA	REFER TO POLICY	REFER TO AREA POLICY
1(a)	A.2.9.1.	53 "Delet"
1(b)	A.2.9.1.	54 "Delet"
1(c)	A.2.9.1.	55 A.2.9.3.50.
2	A.2.9.2.	56 A.2.9.3.51.
3	A.2.9.3.	57 A.2.9.3.57.
4	A.2.9.3.1.	58 A.2.9.3.58.
5	A.2.9.3.4.	59 A.2.9.3.59.
6	A.2.9.3.4.	60 A.2.9.3.50.
7	A.2.9.3.5.	61 A.2.9.3.52.
8	A.2.9.3.5.	62 A.2.9.3.53.
9	A.2.9.3.7.	63 A.2.9.3.54.
10	A.2.9.3.8.	64 A.2.9.3.55.
11	A.2.9.3.9.	65 A.2.9.3.56.
11(a)	A.2.9.3.9.	66 A.2.9.3.57.
11(b)	A.2.9.3.14.	67 1.2.9.3.58.
16	"Delet"	68 A.2.9.3.59.
17	A.2.9.3.16.	
18	A.2.9.3.17.	
19	A.2.9.3.18.	
20	A.2.9.3.21.	
26	A.2.9.3.22.	
27	A.2.9.3.22.	
29	A.2.9.3.24.	
30	A.2.9.3.25.	
31	A.2.9.3.26.	
31(a)	A.2.9.3.26.	
31(b)	A.2.9.3.26.	
31(c)	A.2.9.3.26.	
32	A.2.9.3.27.	
33	A.2.9.3.28.	
34	A.2.9.3.29.	
35	A.2.9.3.30.	
36	A.2.9.3.31.	
37	A.2.9.3.32.	
38	A.2.9.3.35.	
40	A.2.9.3.36.	
41	A.2.9.3.37.	
42	A.2.9.3.38.	
43	A.2.9.3.40.	
45	A.2.9.3.41.	
46	A.2.9.3.42.	
47	"Delet"	
48	A.2.9.3.44.	
49	A.2.9.3.45.	
50	A.2.9.3.46.	
51	A.2.9.3.46.	

For other Special Policy Areas numbers, refer to Schedules: B-1, B-2, and B-3.

schedule B
 to the official plan
 for
 the city of Hamilton

98 01 23

The Corporation of the City of Hamilton

BY-LAW NO. 98-

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED AT MUNICIPAL NOS. 535 and 537 QUEENSTON ROAD

WHEREAS it is intended to establish special requirements under section 19B of By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982, as amended by Official Plan Amendment No. 154, proposed by the Council of The Corporation of the City of Hamilton but not yet approved by The Regional Municipality of Hamilton-Wentworth in accordance with the provisions of Sections 4, 17 and 21 of the Planning Act, R.S.O. 1990, Chapter P.13.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "B-1" (Suburban Agricultural and Residential, etc.) District provisions, as contained in Section 8A of Zoning By-law No. 6593, applicable to the lands comprised in Block "1", the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 8A(1) of Zoning By-law No. 6593, the following uses shall be permitted:
 - (i) a medical office (chiropractic office) having a maximum gross floor area of 65 square metres shall only be permitted on the ground floor of the existing building; and,
 - (ii) one ground sign that shall not exceed 0.9 metres in vertical dimension or 0.6 square metres in area; and,
 - (iii) no sign shall be illuminated unless the source of light is steady and suitably shielded to contain illumination; and,
- (b) notwithstanding Section 8A.(3)(i) of Zoning Bylaw No. 6593, one ground sign shall be located not less than 3.0m from the front lot line; and,
- (c) Section 18A(14g) of Zoning By-law No. 6593 shall not apply; and,
- (d) Section 18A(26) of Zoning By-law No. 6593 shall not apply; and,

- (e) a landscape planting strip of not less than 3.0 metres in width shall be provided and maintained along the southerly lot line, except any area used for vehicular access, only where an encroachment agreement for landscaping has not been entered into with the Region, for a minimum 3.0 metre wide planting strip within the widened road allowance limits of Queenston Road; and,
- (f) a visual barrier of not less than 1.2 metres in height and not more than 2.0 metres in height shall be provided and maintained along the northerly lot line.

2. The "B-1" (Suburban Agricultural and Residential, etc.) District provisions, as contained in Section 8A of Zoning By-law No. 6593, applicable to the lands comprised in Block "2", the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 8A(1) of Zoning By-law No. 6593, the following uses shall be permitted:
 - (i) a medical office (naturopathic office) having a maximum gross floor area of 65 square metres shall only be permitted on the ground floor of the existing building; and,
 - (ii) a ground sign that shall not exceed 0.9 metres in vertical dimension or 0.6 square metres in area; and,
 - (iii) no sign shall be illuminated unless the source of light is steady and suitably shielded to contain illumination; and,
- (b) notwithstanding Section 8A.(3)(i) of Zoning By-law No. 6593, one ground sign shall be located not less than 3.0m from the front lot line; and,
- (c) Section 18A(14g) of Zoning By-law No. 6593 shall not apply; and,
- (d) Section 18A(26) of Zoning By-law No. 6593 shall not apply; and,
- (e) a landscape planting strip of not less than 3.0 metres in width shall be provided and maintained along the southerly lot line, except any area used for vehicular access, only where an encroachment agreement for landscaping has not been entered into with the Region, for a minimum 3.0 metre wide planting strip within the widened road allowance limits of Queenston Road; and,
- (f) a visual barrier of not less than 1.2 metres in height and not more than 2.0 metres in height shall be provided and maintained along the easterly and northerly lot lines.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "B-1" District provisions, subject to the special requirements referred to in sections 1 and 2.

4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1413.

5. Sheet No. E-95 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1413.

6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 27th day of October

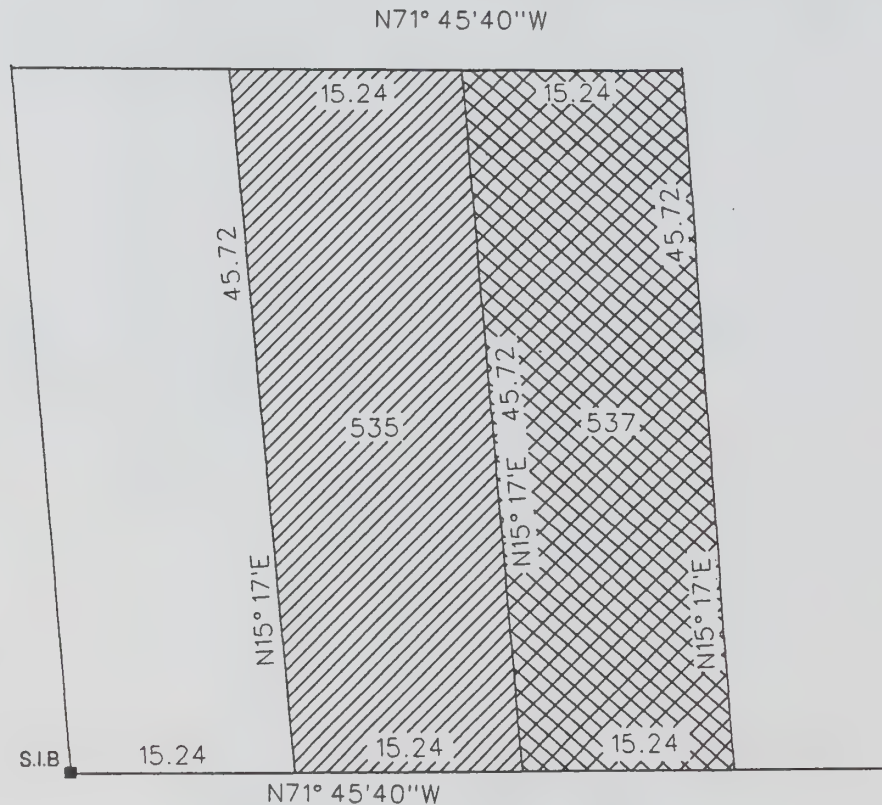
A.D. 1998

CITY CLERK

MAYOR

(1998) 15 R.P.D.C. 2, September 29
Marco Ramelli and Mukesh Patel, Owners
Amended ZAC-98-27

WOODMAN DRIVE NORTH



QUEENSTON ROAD

NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 98-.....
Passed, the day of, 1998.

Clerk

Lands to be regulated by _____
By-Law No. 95-..... Mayor

City of Hamilton

Schedule "A"

Map Forming Part of
By-Law No. 98-_____
to Amend By-Law No. 6593

Planning and Development Department

Legend

Block 1



Modification to established "B-1"
(Suburban Agricultural and
Residential etc.) District

Block 2



Modification to established "B-1"
(Suburban Agricultural and
Residential etc.) District

North



Scale
NOT TO SCALE

Date
October, 1998

Reference File No.

ZAC-98-27

Drawn By

J.Sims

The Corporation of the City of Hamilton

BY-LAW NO. 98-

To Establish:

Site Plan Control

Respecting:

LANDS LOCATED AT MUNICIPAL NOS. 535 AND 537 QUEENSTON ROAD

WHEREAS By-law No. 79-275, passed on the 25th day of September 1979, under Section 35a of the Planning Act, as re-enacted by the Planning Amendment Act, 1979, S.O. 1979, Chapter 59, Section 1, [now Section 41 of the Planning Act, R.S.O. 1990, c. P. 13], as amended by By-law No. 87-223, passed on the 28th day of July 1987, established site plan control in various parts of the City of Hamilton as of November 1, 1979;

AND WHEREAS it is desirable to amend By-law No. 79-275 to establish site plan control on the land hereinafter referred to.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Schedule "B" to By-law No. 79-275 is amended by adding the following thereto:
 178. Land located at Municipal Nos. 535 and 537 Queenston Road, shown on Appendix 178 hereto annexed and forming part of this by-law.
2. Appendix 178 to By-law No. 79-275 is hereto annexed as Schedule "A", and forms part of this by-law, and By-law No. 79-275, as amended.

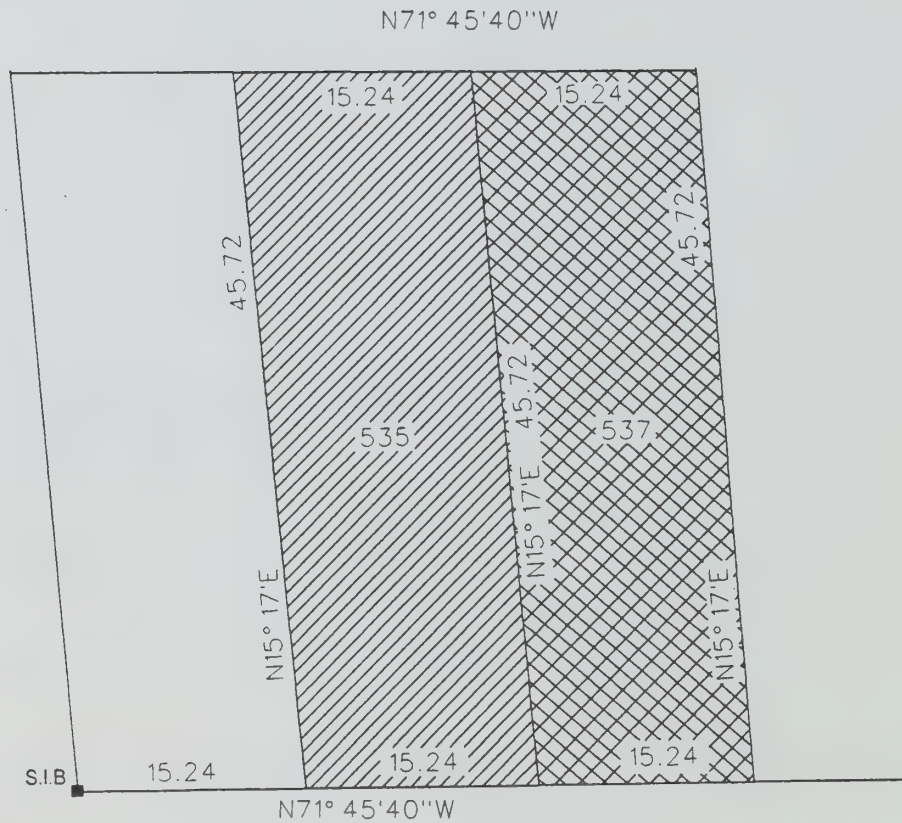
PASSED this 27th day of October

A.D. 1998

CITY CLERK

MAYOR

WOODMAN DRIVE NORTH



QUEENSTON ROAD

NOTE: All dimensions are in metres

Clerk

Mayor

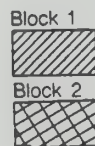
City of Hamilton

Appendix 178

to the By-law No. 79-275
as amended by By-law No.

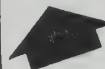
Planning and Development Department

Legend



Lands designated under this By-law
as an area of Site Plan Control
pursuant to section 41 of the
Planning Act, R.S.O. 1990

North



Scale
NOT TO SCALE

Date
October, 1998

Reference File No.
ZAC-98-27

Drawn By
J.Sims

C44 ON HBL AOS

A31

1998

**URBAN
MUNICIPAL**



*The Urban/Municipal Collection
2nd Floor
Hamilton Public Library
+ Bill*

1998 November 6

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**Tuesday, 1998 November 10
7:30 o'clock p.m.
Webster Rooms A, B & C
Hamilton Convention Centre**

NOV 9 1998

GOVERNMENT DOCUMENTS

**J. J. Schatz
Clerk**

A G E N D A

- 1. National Anthem.**
- 2. Opening Prayer:**
- 3. Presentations:**

- (a) Mayor to introduce and present certificates to local peace keepers:**

R.H.L.I. WENTWORTH REGIMENT

**Lieutenant Colonel W. Kedziora
Sergeant Peter Minkenberg
Master Corporal Conor Brennan
Master Corporal Robert Coates**

ARGYLE & SUTHERLAND HIGHLANDERS

**Lieutenant Colonel R.D. Kennedy
Master Corporal William Legere
Corporal David Winstanley
Corporal Drew Battersby
Corporal Scott Atkinson
Corporal Christopher Sogan**

11th FIELD BATTERY DETACHMENT

Lieutenant Colonel W. M. Shiplo, Commanding Officer
Corporal Bradley Rosekat

705 COMMUNICATIONS SQUADRON

Lieutenant Colonel R.F. Bialacholwski, Commanding Officer

HMCS STAR

Lieutenant Commander P.W. Duynstee

23RD SERVICE BATTALION

Lieutenant Colonel V.R. Paddon
Master Corporal R.G. Paddon
Master Corporal E.W. Sculthorpe
Corporal E.V. McGeorge
Corporal J.R. Peters

23rd MEDICAL CO.

Lieutenant Colonel S.E. Birch, Commanding Officer
Master Corporal Raymond Lux
Corporal John Fairweather

- (b) **Mayor to present certificates of recognition to two Citizens Committees: the Stinson and Corktown Neighborhood Plan Advisory Committees.**

STINSON COMMITTEE

Jordan Abraham; Lois Brown; Lisa Browett; Joanne Cairns; Helen Cozzarin; Lou Cozzarin; Lauch Harrison; Cheryl Harvey; Brenda Mitchell; Mina Morski; Helaine Ortmann; Mary Schneider; Dave Staples; Stella Woock.



CORKTOWN COMMITTEE

**Robert Charko; Hal Costie; Peggy Costie; Barb Cummings;
Cecilia Findlay; Eyvonne Findlay; Hugh Greenwood; Mike Jerratt;
Scott Maltman; Janet McNaught; Lynn Mitges; Michael Peebles;
Marg Randall; Frank Salvatori; Doris Skorpida**

4. Adoption of the minutes of the meetings held:

- (a) 1998 October 27 (special meeting)**
- (b) 1998 October 27 (regular meeting)**
- (c) 1998 November 3 (special meeting)**

5. Correspondence – None at time of printing.

6. Reports of the Standing Committees:

- (a) Transport and Environment Committee**
- (b) Parks and Recreation Committee**
- (c) Planning and Development Committee**
- (d) Finance and Administration Committee**

7. Notices of Motion for next meeting.

8. Question Period.

9. Adjournment.

MINUTES

Minutes of the Special Meeting of City Council
1998 October 27
4:00 o'clock p.m.
Webster Room, Hamilton Convention Centre

The Council met:

Present: Acting Mayor T. Jackson, Chairman.
Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli,
D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger,
B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan.

Absent: Mayor R. M. Morrow – Civic Business

Acting Mayor T. Jackson called the meeting to order.

* * * * *

It was moved by Alderman R. Corsini and seconded by Alderman B. Charters that City Council recess until the conclusion of the Regional Council Meeting. **CARRIED.**

* * * * *

Council reconvened at 5:30 o'clock p.m.

* * * * *

RESOLUTIONS

Re: Defer the issuance of the final tax installment for 1998

It was moved by Alderman F. D'Amico and seconded by Alderman B. Kelly that the appropriate by-law to authorize the General Manager – Finance to defer the issuance of the final tax installment for 1998 for any properties all or in part composed of the commercial and industrial classes until December 15, 1998 or such earlier date as Council may direct be enacted.

CARRIED.

* * * * *

Re: Introduction of Bill E-22: A By-law respecting the levying of taxes for the year 1998

Re: Introduction of Bill E- 21: A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

It was moved by Alderman F. D'Amico and seconded by Alderman B. Kelly that the following Bills be signed, sealed and enrolled as By-laws:

Bill No. E-22: A By-law respecting the levying of taxes for the Year 1998.

Bill No. E-21: A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

CARRIED.

* * * * *

City Council then adjourned at 5:45 o'clock p.m.

* * * * *

Taken as read and approved.

**ALDERMAN T. JACKSON
ACTING MAYOR**

S. G. Hollowell, Acting City Clerk
1998 October 27
SGH/dg

Minutes of Hamilton City Council
Tuesday, October 27, 1998
7:30 o'clock p.m.
Webster Room, Hamilton Convention Centre

The Council met:

There were present: Acting Mayor T. Jackson, Chairman; Aldermen M. Kiss, M. Caplan, R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan

Absent: Mayor R. M. Morrow – Civic Business
Alderman A. Horwath - Illness

Acting Mayor T. Jackson called the meeting to order.

City Council sang the National Anthem

City Council recited the prayer.

PRESENTATIONS

Acting Mayor T. Jackson acknowledged the following for their participation as corporate partners in funding the operating costs of the 1998 Hamilton Beautification Program:

Landscape Ontario, Investors Group,	Union Gas, Canadian Tire,	The Spectator, F.M. Page & Sons	Dofasco,
--	------------------------------	------------------------------------	----------

* * * * *

Acting Mayor T. Jackson presented the Commercial /Industrial Award to **208 Queen Street North - City Window & Glass and Health Science Corporation Nora Francis Henderson Hospital.**

* * * * *

Acting Mayor T. Jackson presented the Pink Trillium Awards to:

Ward 1	78 Mayfair Cr.	Sasha Weisz
Ward 2	163 Duke Street	Michael and Janice Brown
Ward 3	76 Somerset	Virginia and Ewald Sinkevicius
Ward 4	40 Benson	Lee and Karen Purdy
Ward 5	134 Farrington Cr.	Thai and Lisa Tudo
Ward 6	31 Ridley	Stephen and Dorothy Wran
Ward 7	3 Parkwood Cr.	Gerry Thurston
Ward 8	815 Brigadoon	Barbara Stewart

* * * * *

Acting Mayor T. Jackson presented the Red Trillium Award to **31 Ridley, Stephen and Dorothy Wran.**

Judges were:

Sharilyn Ingram, Director, RBG
Mrs. Lydia Szukis, Member, Master Gardener Program, Niagara
Mark Hommersen, Chairman, Hamilton Beautification Program
Regina Pakalniskis, 1997 Red Trillium winner
Shirley Elford, Artist & Creator of the Red Trillium Award

* * * * *

Acting Mayor T. Jackson presented Hamilton Civic Awards to the following:

Hamilton Hoppers Jump rope Team - Gold Medalists at the National Championships - Halifax

Members

Julie Bellemare
Matt Delorey
Leanne Melloh
Amanda Pereira

Coaches and Executive

Craig Crawford
Shannon Crawford
Marsha Cronjaeger
Deanna Smith
Tracy Mogensen

* * * * *

Acting Mayor T. Jackson presented Certificates of Recognition to the following:

Extreme Energy Baton Group - Gold Medallists at the Provincial Championships
The Juvenile Dance Twirl Team won the award at Hup-2Xmber College this June

Athletes

Laura Dobbie
Lisa Dobbie
Hollyn Hollingsworth-McGrane

Christine Capuano
Sarah Kiernan
Catherine Lemyre

* * * * *

Acting Mayor T. Jackson presented a Certificate of Recognition to Teddy Pearce who won the Gold medal and the National Championship.

* * * * *

Acting Mayor T. Jackson presented Certificates of Recognition to the Ontario Seniors Games - Hamilton participants who won awards at Actifest:

Larry and Freda Dupuis	Gold medal - Cribbage
Noel Eve Clegg & Rosanna Sadwick	Gold medal - Euchre
Jack Malley	Silver medal - swimming
Leo Aresenault & Jim Hawkins	Silver medal - horseshoes
Alice Tia	Bronze medal - Ladies Snooker

ADOPTION OF MINUTES

The following minutes were adopted as circulated:

- (a) October 13, 1998 (regular meeting)
- (b) October 20, 1998 (special meeting) were amended as follows:

It was moved by Alderman C. Collins and seconded by Alderman B. Charters that sub-section (d) of a resolution respecting Complement Approval Process, approved by City Council at its special meeting held on Tuesday, 1998 October 20th, be amended by deleting the word "Engineering" in the third line.

CARRIED.

CORRESPONDENCE

1. Letter dated 1998 October 8 from Ken Hall, Chairman, Giant's Rib Discovery Centre Project Team respecting Site Selection.

Referred to Parks and Recreation Committee

2. Letter dated 1998 October 14 from S. Glover, Secretary, Mayor's Committee Against Racism and Discrimination respecting the greeting sign on Hamilton Mountain.

Received.

It was moved by Alderman M. Kiss and seconded by Alderman M. Caplan that the Reports of the Planning and Development Committee, the Committee of the Whole, and resolutions be considered in Committee of the Whole with Alderman D. O'Sullivan in the chair.

Recorded vote.

YEAS: Acting Mayor T. Jackson, Aldermen M. Kiss, M. Caplan, R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Anderson, B. Charters, B. Kelly, F. D'Amico, D. O'Sullivan. -15.

NAYS: -0.

CARRIED.

PLANNING AND DEVELOPMENT COMMITTEE – EIGHTEENTH REPORT

Section 1 Re: Zoning Application 98-33 – 330 and 342 Dundurn St. S.

Recorded vote.

YEAS: Acting Mayor T. Jackson, Aldermen M. Kiss, M. Caplan, R. Corsini, B. Morelli, D. Haining, D. Wilson, C. Collins, F. Eisenberger, T. Anderson, B. Charters, B. Kelly, F. D'Amico, D. O'Sullivan. -14.

NAYS: Alderman G. Copps. -1.

CARRIED.

COMMITTEE OF THE WHOLE – TWENTY-FOURTH REPORT

Section 2 Re: Manager of Urban Design

Recorded vote.

YEAS: Acting Mayor T. Jackson, Aldermen M. Kiss, M. Caplan, R. Corsini, D. Haining, D. Wilson, B. Kelly, F. D'Amico, D. O'Sullivan. -9.

NAYS: Aldermen B. Morelli, G. Copps, F. Eisenberger, C. Collins, B. Charters, T. Anderson. -6.

CARRIED.

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Section 4 (a) Re: Flamboro Downs - Teletheatre

Recorded vote.

YEAS: Acting Mayor T. Jackson, Aldermen R. Corsini, B. Morelli, D. Haining, D. Wilson, C. Collins, T. Anderson, B. Charters, B. Kelly, D. O'Sullivan. -10.

NAYS: Aldermen M. Kiss, M. Caplan, G. Copps, F. Eisenberger, F. D'Amico. -5.

CARRIED.

TABLED MOTIONS FROM PREVIOUS MEETINGS

Section 30 from July 7, 1998 Council Meeting Re: Planning Tariff fees

It was moved by Alderman F. D'Amico and seconded by Alderman R. Corsini that Section 30 of the Special meeting of Council which was tabled by Hamilton City Council at its meeting held 1998 July 7 be now lifted from the table.

30. (a) That the proposed Planning Tariff fees for planning applications, as contained in appendix "A" be approved; and,
- (b) That the City Solicitor be directed to further amend By-law 97-084 incorporate the new fee structure; and,
- (c) That the Union position deleted by the Committee of the Whole, at its meeting of June 16, 1998 be reinstated based on the anticipated workloads and because the budget requirement to be met by the Planning and Development Committee will be offset by the \$55,015 increase in planning fees."

CARRIED.

* * * * *

Re: Section 30 from July 7, 1998 Council Meeting Re: Planning Tariff fees

It was moved by Alderman D'Amico and seconded by Alderman Corsini that Section 30 of the Special meeting of Council which was tabled by Hamilton City Council at its meeting held 1998 July 7 be referred to the Planning and Development Committee:

30. (a) That the proposed Planning Tariff fees for planning applications, as contained in appendix "A" be approved; and,
- (b) That the City Solicitor be directed to further amend By-law 97-084 incorporate the new fee structure; and,
- (c) That the Union position deleted by the Committee of the Whole, at its meeting of June 16, 1998 be reinstated based on the anticipated workloads and because the budget requirement to be met by the Planning and Development Committee will be offset by the \$55,015 increase in planning fees."

CARRIED.

* * * * *

Re: Smart Moves – Downtown Demonstration Project Implementation

It was moved by Alderman G. Copps and seconded by Alderman D. Haining that Section 1(d) of the Twelfth Report of the Transport and Environment Committee be referred back to the Transport and Environment Committee. **CARRIED.**

* * * * *

Re: Submission of Price Waterhouse Coopers

It was moved by Alderman F. D'Amico and seconded by Alderman B. Kelly that Section 2 (a) of the Seventeenth Report of the Planning and Development Committee for 1998 which was tabled for two weeks by Hamilton City Council at its meeting held 1998 October 13 be approved:

2. (b) That the submission of Price Waterhouse Coopers be selected as the consultants to undertake the Economic and Development Financing Studies of the Downtown Secondary Plan, at a cost of \$40,000. **CARRIED.**

* * * * *

Re: 25 Hughson – Downtown Convert/Renovate –to-Residential Loan Program

It was moved by Alderman F. D'Amico and seconded by Alderman B. Kelly that Sub-sections (a), (b), (c) and (d) of Section 7 of the Fifteenth Report of the Planning and Development Committee be deleted. **CARRIED.**

* * * * *

It was moved by Alderman F. D'Amico and seconded by Alderman B. Kelly that sub-sections (e) and (f) of Section 7 of the Fifteenth Report of the Planning and Development Committee for 1998 be renumbered (a) and (b) and approved as amended as follows:

- (a) That a grant under the Core Heritage 2000 Program in the amount of \$75,000 to DeSantis Group Inc., (Tony DeSantis) for façade improvements to 25 Hughson Street South be approved, subject to the applicant meeting the requirements of the program that is currently pending approval by the Ministry of Municipal Affairs and Housing; and,
- (b) That the grant approval be conditional on the applicant receiving a structural permit within 3 months of 1998 October 27 and a building permit within 6 months of 1998 October 27. **CARRIED.**

Recorded vote.

YEAS: Acting Mayor T. Jackson, Aldermen M. Kiss, M. Caplan, R. Corsini, B. Morelli, D. Haining, D. Wilson, C. Collins, F. Eisenberger, T. Anderson, B. Charters, B. Kelly, F. D'Amico, D. O'Sullivan. -14.

NAYS: Alderman G. Copps. -1.

CARRIED.

<p>RESOLUTIONS</p>

Re: Rule No. 9 : Re: Authorization to enter into an agreement

Approval of a by-law to authorize an extension agreement

Awarding of a Construction Contract – Fire Station

It was moved by Alderman D. Wilson and seconded by Alderman G. Copps that Rule No. 9 of the City's Procedural By-law No. 95-167 be invoked for this meeting of City Council in order to allow the introduction of resolutions respecting:

- (a) Authorization to enter into extension agreements on specific properties for the payment of realty tax arrears; and,
- (b) Approval of the By-law to Authorize an Extension Agreement for Payment of Realty Tax Arrears
- (c) Award of Construction Contract – Fire Station No. 8, Melvin and Woodward

CARRIED.

* * * * *

Re: Extension Agreement on specific properties

It was moved by Alderman D. Wilson and seconded by Alderman G. Copps

- (a) That the City be authorized to enter into Extension Agreements, if required, in a form satisfactory to the City Solicitor and the City Treasurer pursuant to Section 8 of the Municipal Tax Sales Act, with the owners as outlined in Schedule "A" attached to extend the time open for payment of realty tax arrears in accordance with the policy for extension agreements approved by City Council on 1994 June 28th; and,
- (b) That a By-law to authorize the said Extension Agreements be enacted by City Council; and,
- (c) That the Mayor and City Clerk be authorized to execute the aforesaid By-law and Extension Agreements.

CARRIED.

* * * * *

Re: Introduction of a By-law: D-053: A By-law to authorize an extension agreement for payment of realty tax arrears.

It was moved by Alderman Wilson and seconded by Alderman Copps that the following Bill be adopted, signed, sealed and enrolled as a By-Law:

D-53 A By-law to authorize an extension agreement for payment of realty tax arrears.
CARRIED.

* * * * *

Re: Purchase Order – James Kemp Construction Ltd.

It was moved by Alderman Wilson and seconded by Alderman Copps:

- (a) That approval be given to issue a Purchase Order to James Kemp Construction Limited of Hamilton in the amount of One Hundred and Seventy Three Thousand, Eight Hundred and Sixty Seven (\$173,867.) plus applicable taxes to construct an additional apparatus bay for the Fire Station No. 8 at 400 Melvin Avenue; and,
- (b) That a contract satisfactory to the City Solicitor be entered into between the City and the Contractor; and,
- (c) That the Mayor and the City Clerk be authorized to execute the contract on behalf of the City; and,
- (d) That the staff be authorized to commission the removal of three trees located where the proposed expansion is, and the replanting of three new trees in the vicinity of the Fire Station in accordance with the City By-Law No. 92-155 Respecting Trees. **CARRIED.**

<p>ACTING MAYOR FOR THE MONTH OF NOVEMBER, 1998</p>
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It was moved by Alderman Kiss and seconded by Alderman Caplan that Alderman Bob Charters be appointed Acting Mayor for the month of November, 1998. **CARRIED.**

* * * * *

It was moved by Alderman M. Kiss and seconded by Alderman M. Caplan that the Report of the Committee of the Whole on the Reports of the Planning and Development Committee, the Committee of the Whole, and resolutions be adopted.

Recorded vote.

YEAS: Acting Mayor T. Jackson, Aldermen M. Kiss, M. Caplan, R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Anderson, Charters, B. Kelly, F. D'Amico, D. O'Sullivan. -15.

NAYS: -0.

CARRIED.

* * * * *

City Council then adjourned 8:45 o'clock p.m.

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Taken as read and approved.

**ALDERMAN T. JACKSON
ACTING MAYOR**

**S. G. Hollowell
Acting City Clerk
1998 October 27
SGH/dg**

Minutes of Special Meeting of City Council
Tuesday, 1998 November 3
7:00 o'clock p.m.
Albion Rooms B & C
Hamilton Convention Centre

The Council met:

Present: Mayor R. M. Morrow, Chairman.
Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli,
D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Jackson,
B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan.

Mayor R. M. Morrow called the meeting to order.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that Council move into Committee of the Whole to consider resolutions and By-laws.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining,
Wilson, Copps, Collins, Eisenberger, Jackson, Charters, Anderson, Kelly,
D'Amico, O'Sullivan. -17.

NAYS: -0.

CARRIED.

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Council moved in-camera to consider personnel issues.

Council then reconvened in public session.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that Rule 3(d) of the City of Hamilton Procedural By-law No. 95-167 be suspended for this meeting of City Council in order to permit consideration of matters not listed on the agenda.

CARRIED.

RESOLUTIONS

Appointment of General Manager, Planning and Development
Appointment of Medical Officer of Health
Appointment of Clerk
Repeal City & Region Solicitor Appointment By-laws
Bill E-23, Bill E-24
City Representative – Hamilton Hydro-Electric Commission
Bill E-25

It was moved by Alderman Corsini and seconded by Alderman Horwath that Ms. Lee Ann Coveyduck be appointed to the position of General Manager, Planning and Development and that the City Manager be authorized and directed to negotiate the terms and conditions of employment. **CARRIED.**

Aldermen Copps, Charters and Jackson recorded as opposed.

* * * * *

It was moved by Alderman Caplan and seconded by Alderman Kelly:

- (a) That Dr. Elizabeth Richardson be appointed to the position of Medical Officer of Health and that the City Manager be authorized and directed to establish the terms and conditions of employment.
- (b) That the City Manager be authorized and directed to request that the Minister of Health confirm the appointment of the Councils.

CARRIED.

* * * * *

It was moved by Alderman Haining and seconded by Alderman Morelli:

- (a) That Joseph J. Schatz be appointed to the position of Clerk and that the City Manager be authorized and directed to establish the terms and conditions of employment.
- (b) That the Solicitor be requested to prepare the necessary by-laws for the City and the Region to appoint Mr. Schatz.

CARRIED.

* * * * *

It was moved by Alderman Eisenberger and seconded by Alderman Corsini that the Solicitor be requested to prepare the necessary by-laws to repeal the current City and Regional appointment bylaws.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Caplan, Horwath, Corsini, Wilson, Eisenberger, Kelly, D'Amico, O'Sullivan. -9.

NAYS: Aldermen Kiss, Morelli, Haining, Copps, Collins, Jackson, Charters, Anderson. -8.

CARRIED.

* * * * *

It was moved by Alderman Eisenberger and seconded by Alderman Corsini that Bill E-23, a By-law to Repeal By-law No. 90-94 be adopted, signed, sealed and enrolled as a By-law.

CARRIED

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It was moved by Alderman Eisenberger and seconded by Alderman Corsini that Bill E-24, a By-law to Amend By-law No. 95-167 Respecting: The Proceedings of the Municipal Council and Committees of the City of Hamilton be adopted, signed, sealed and enrolled as a By-law.

Recorded vote:

YEAS: Mayor Morrow, Aldermen Caplan, Horwath, Corsini, Wilson, Eisenberger, Kelly, O'Sullivan. -8.

NAYS: Aldermen Kiss, Morelli, Haining, Copps, Collins, Jackson, Charters, Anderson, D'Amico. -9.

LOST.

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It was moved by Alderman Charters and seconded by Alderman Wilson that:

- (a) That the City Manager, or his designate, be appointed as the City's representative on the Hamilton Hydro Commission, for no longer than two years; and,
- (b) That the citizen applicants for this position be advised of this decision prior to this Thursday's scheduled interviews.

CARRIED.

Alderman Jackson was recorded as opposed.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that Bill E-25, a By-law to To Confirm Proceedings of the Council of the Corporation of the City of Hamilton at its Meeting held on the 3rd day of November, 1998 be adopted, signed, sealed and enrolled as a By-law.

CARRIED

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It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the resolutions and by-laws, be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Copps, Collins, Eisenberger, Jackson, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -17.

NAYS: -0.

CARRIED.

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City Council then adjourned at 8:10 o'clock p.m.

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Taken as read and approved.

MAYOR R. M. MORROW
CHAIRMAN

S. G. Hollowell, Acting Clerk
1998 November 3
SGH/bc

**TRANSPORT & ENVIRONMENT
COMMITTEE**

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Transport and Environment Committee presents its **THIRTEENTH** Report for 1998 and respectfully recommends:

1. That the existing "No Parking, 8:00 a.m. to 5:00 p.m. Monday to Friday" regulation on the east side of Hughson Street North commencing 53 feet south of Murray Street and extending to a point 21 feet southerly therefrom, be removed and that the City Traffic By-law No. 89-72 be amended accordingly.
2. That the existing "Permit Parking" regulation on the north side of Montmorency Drive commencing 312 feet west of the extended west curb line of Montmorency Drive and extending to a point 18 feet westerly therefrom be removed, and that the City Traffic By-law No. 89-72 be amended accordingly.
3.
 - (a) That a "Permit Parking" regulation be implemented on the west side of Avondale Street, commencing at a point 25 feet south of Gertrude Street and extending to a point 21 feet southerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Ms. Isabelle Grant, No. 399 Avondale Street.
4. That the existing "School Bus Loading Zone, 7:00 a.m. to 6:00 p.m. Monday to Saturday" regulation on the south side of Bobolink Road commencing at a point 40 feet east of Meadowlark Drive and extending 120 feet easterly be extended a further 70 feet easterly, and that the City Traffic By-law No. 89-72 be amended accordingly.
5. That the existing "Permit Parking" regulation on the east side of Dundurn Street South commencing at a point 139 feet south of South Street and extending to a point 18 feet southerly therefrom be removed, and that the City Traffic By-law No. 89-72 be amended accordingly.

6. (a) That a "Permit Parking" regulation be implemented on the east side of East 24th Street commencing at a point 240 feet south of Crockett Street and extending to a point 26 feet southerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,

(b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. Mercanti, No. 81 East 24th Street.
7. (a) That a "Permit Parking" regulation be implemented on the north side of Francis Street commencing at a point 93 feet west of Cheever Street and extending to a point 22 feet westerly therefrom, and on the south side of Francis Street commencing at a point 76 feet west of Cheever Street and extending to a point 18 feet westerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,

(b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. Laurina Oliveira, No. 69 Francis Street.
8. (a) That a "Permit Parking" regulation be implemented on the west side of Dundurn Street South commencing at a point 268 feet north of Glenside Avenue and extending to a point 20 feet northerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,

(b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. George Vacarchuk, No. 410 Dundurn Street South.
9. That southbound traffic on Mapleridge Drive be required to stop for eastbound and westbound traffic on Acadia Drive, and that the City Traffic By-law No. 89-72 be amended accordingly.
10. That eastbound traffic on Elk Court and westbound traffic on Resolute Drive be required to stop for northbound and southbound traffic on Crerar Drive and that the City Traffic By-law No. 89-72 be amended accordingly.
11. That stop signs be erected on Cumberland Avenue at Prospect Street, Norway Avenue, Holton Avenue and Burris Street, and that the City Traffic By-law No. 89-72 be amended accordingly.

12. That a full-time "Wheelchair Loading Zone" regulation be implemented on the north side of Parkplaza Drive, commencing at a point 151 feet east of Grand Oaks Drive and extending to a point 33 feet easterly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly.
13. That a "Wheelchair Loading Zone, 7:00 a.m. to 6:00 p.m., Monday to Saturday" regulation be implemented on the south side of Thorner Drive commencing at a point 103 feet west of Deerborn Drive and extending 30 feet westerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly.
14. That a "School Bus Loading Zone, 7:00 a.m. to 6:00 p.m., Monday to Saturday" regulation be implemented on the north side of Munroe Street commencing at a point 184 feet east of Wentworth Street North and extending 50 feet easterly, and that the City Traffic By-law No. 89-72 be amended accordingly.
15. (a) That a "School Bus Loading Zone, 8:00 a.m. to 5:00 p.m., Monday to Friday" regulation be implemented on the south side of Central Avenue commencing at a point 40 feet east of Houghton Avenue and extending 30 feet easterly; and,
 (b) That a "School Bus Loading Zone, 8:00 a.m. to 5:00 p.m., Monday to Friday" regulation be implemented on the west side of Wexford Avenue commencing at a point 210 feet south of Central Avenue and extending 60 feet southerly; and,
 (c) That the City Traffic By-law No. 89-72 be amended accordingly.
16. That the City Treasurer be directed to close the following Capital Project accounts:

Capital Centre #	Project Description	Authorized Gross Cost	Expended/ Committee To Date	Balance Available	Source of Funding
759649025	Traffic Sign Replacement (1996)	75,000.00	75,000.00	Nil	Res-Cap Projects
759749028	Traffic Sign Replacement (1997)	75,000.00	75,000.00	Nil	Res-Cap Projects
759651021	Traffic Signal Modernization (1996)	74,000.00	74,000.00	Nil	Res-Dev Charges

17. (a) That Woodward Avenue between Barton Street East and Melvin Avenue be designated as a Snow Route; and,
- (b) That the Snow Route designation respecting Bigwin Road between Pritchard Road and Anchor Road be rescinded; and,
- (c) That the City Traffic By-law No. 89-72 be amended accordingly.

18. That the by-law be enacted to authorize construction of local improvements of a concrete sidewalk on the east side of Main Street West along the frontage of No. 1898 Main Street West.

19. That purchase orders be issued for the supply and delivery of highway salt as and when required for the 1998–1999, 1999–2000, 2000–2001 Winter Seasons by the Department of Public Works and Traffic in accordance with specifications issued by purchasing and vendors' tenders and be financed through Stock Materials Account No. CH56197 60999 as follows:

<u>Sifto Canada</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>
Highway Salt - delivered by truck	\$42.25/tonne	\$43.25/tonne	\$44.35/tonne

20. (a) That Municipal Car Park No. 58, No. 1368 Barton Street East, be reopened on a trial basis for four months; and,
- (b) That staff be directed to report back on the financial viability of keeping this municipal car park open on a permanent basis at the end of the four month trial period.

21. That the daily parking rate at Car Park No. 5, south-west corner of King William Street and Walnut Street be increased from \$2 to \$3, and that the Municipal Parking Facilities By-law No. 98-110 be amended accordingly.

22. That the applications to retain inadvertent encroachments at the locations as outlined on Appendix "A", appended hereto, be approved during the pleasure of Council, provided:

- (a) That the owners enter into agreements satisfactory to the City Solicitor and Commissioner of Transportation to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and,

- (b) That the Mayor and City Clerk be authorized to execute the City's standard form of agreement; and,
 - (c) That the first year fees and subsequent annual fees as outlined in Appendix "A" be set for the encroachments.
23. (a) That Section 20 of the Eleventh Report of the Transport and Environment Committee for 1997 adopted by City Council on 1997 October 14th, be amended by deleting the following in Sub-Section (a):
- "Wellington Meadows – Phase 1, Hamilton**
City's Share – Nil, - Owner's Share \$79,185.29"; and,
- (b) That the submitted schedules of works be adopted for inclusion in the Subdivision Agreement with the Owner for the estimated costs of services in
- Wellington Meadows - Phase 1, Hamilton**
City's Share - Nil, - Owner's Share \$ 166,875.68; and,
- (c) That the Mayor and City Clerk be authorized and directed to execute the proposed Subdivision Agreement with the Owner of "Wellington Meadows - Phase 1", Hamilton as well as and any other related documents for this Subdivision subject to the approval of the City Solicitor; and,
- (d) That the approval of the above-noted clauses be subject to the condition that no work be commenced until the Final Plan and Subdivision Agreement has been registered; and,
- (e) In the event that the Owner wishes to proceed prior to the registration of the Final Plan and Subdivision Agreement being registered the Owner should be allowed to do so at their own risk provided that the Owner enters into a standard agreement with the City of Hamilton for pre-servicing.
24. (a) That the following City land be incorporated into a pedestrian walkway:
- Parts 1 and 2 Plan 62R-13829 -
- (b) That the by-law to carry out the incorporation of the said land into the pedestrian walkway be prepared to the satisfaction of the City Solicitor and be enacted by Council; and,
- (c) That the establishing by-law be submitted to the Regional Municipality of Hamilton-Wentworth; and,

- (d) That the Commissioner of Transportation be authorized and directed to register the by-law.
- 25.
- (a) That, in accordance with the current City Council policy respecting “parking for services in kind”, the request of the Hamilton Bulldogs Hockey Club, to provide two 8-foot dasher boards to promote City sponsored events, 1 full page souvenir program ad for City sponsored events, 6 club seats for 40 home games and public announcement and message centre announcements for City sponsored events (\$15,000 value) in exchange for 48 parking passes (a \$15,250 value consisting of 14 passes for the York Boulevard Parkade, 17 passes for the Bay and Cannon Streets lot, and 17 passes for the Convention Centre parking garage) for the 1998-1999 season, be approved; and,
 - (b)
 - (i) That approval be given to continue the past practice of revenue sharing on a 50/50 basis with the Hamilton Bulldogs Hockey Club for game night parking revenues (for those revenues accrued from 90 minutes prior to game time) for:
 - lot #66 (Bay and Cannon Streets)
 - lot #67 (Queen and Hess Streets)
 - lot #80 (Bay and King Streets); and,
 - (ii) as well as for the estimated number of cars parked at lots #37 (Convention Centre Parking Garage) and #68 (York Parkade) for the purpose of attending the hockey games.
- 26.
- (a) That free on-street parking in the downtown core (500 metered parking spaces in the area bounded by Bay, York/Wilson, Wellington and Jackson) be offered and that the financing required to cover the lost revenues (approximately \$61,000) be found within the Department of Public Works and Traffic operating budget or any budget surplus; and,
 - (b) That should the required funding not be available through the sources indicated in Sub-Section (a), the Finance and Administration Committee be requested to recommend the method of financing; and,
 - (c) That on-street parking in the downtown core be limited to 2 hours from 8:00 a.m. to 6:00 p.m., Monday to Saturday; and,
 - (d) That the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (e) That the Regional Council be requested to amend the Regional Traffic By-law R89-038; and,

1998 November 10

- (f) That parking be free in Carpark #7 (Main and Ferguson) after 6:00 p.m. and on Saturdays; and,
- (g) That staff report back, after consultation with various stakeholders such as the International Village and Downtown BIAs, with the results of the experiment; and,
- (h) That staff investigate and report back on the additional costs associated with providing free on street parking for the month of December in the downtown area bounded by Queen Street to Wellington Street and Hunter Street to Cannon Street; and,
- (i) That staff investigate and report back on the additional costs and viability of providing free on street parking for the month of December in all Business Improvement Areas.

27. That the following Bills be adopted, signed, sealed and enrolled as By-laws:

- (a) A-74 A By-law to Amend Traffic By-law No. 89-72 to Regulate Traffic
- (b) A-75 A By-law to Amend Traffic By-law No. 89-72 to Regulate Traffic
- (c) A-76 A By-law to Amend Traffic By-law No. 89-72 to Regulate Traffic
- (d) A-77 A By-law to Amend By-law No. 98-110 Respecting the Construction, Maintenance, Operation, Management and Regulation of Municipal Parking Facilities
- (e) A-78 A By-law to Authorize the Construction as a Local Improvement a Concrete Sidewalk on the east side of Main Street West along the frontage of No. 1898 Main Street West
- (f) A-79 A By-law to Incorporate City Land Designated as Parts 1 and 2 on Plan 62R-13829 into a Pedestrian Walkway

Respectfully Submitted,

**ALDERMAN CHAD COLLINS, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE**

Kevin C. Christenson, Secretary

1998 November 2nd

Appendix "A" as referred to in
in Section 22 of the Thirteenth
Report of the Transport and
Environment Committee for
1998

<u>Location</u>	<u>Municipal Address</u>	<u>Owner</u>	<u>Type of Encroachment</u> <u>Annual Fee</u>	<u>First Year/</u>
West Avenue	15 West Avenue North 4.0' X 15.0' onto street and 8.0' deep	Trillium Funeral Services Corp.	Stairwell encroaching by	\$185/20
Florence Street	29 Florence Street	T.E. Lake 1.21' X 12.0'	Porch encroaching by	\$185/20
Province Street	77 Province Street	D. Poulton 1.26' X 3.0'	Steps encroaching by	\$185/20

**PARKS & RECREATION
COMMITTEE**

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Parks and Recreation Committee presents its **ELEVENTH** Report for 1998 and respectfully recommends:

1. That approval, as required by Section 26 of the Fireworks By-law No. 90-198 and Section 5 of the Parks By-law No. 95-126 as amended, be granted to the City of Hamilton to hold two stationary fireworks displays, each one minute in length, at Commonwealth Square on 1998 December 31st at approximately 8:30 o'clock p.m. and 12:00 o'clock midnight, subject to the Terms and Conditions of the Special Events Guidelines.
2. That permission be granted to the Hamilton Highland Games organizers to use Kay Drage Park from 1999 June 25 to June 27 to host the Hamilton Highland Games subject to the Parks By-law No. 95-126 and the Terms and Conditions of the Special Events Guidelines.
3. That approval be granted to enter into an agreement satisfactory to the City Solicitor, with Ham Sports Inc. (Judy Ham, Owner) to sell banner advertising in Mountain Arena at an annual commission payable to the City of Hamilton of \$100 per banner/year, subject to approval of content, for a term beginning upon execution of the agreement and terminating 2001 September 24.
4.
 - (a) That approval be given to issue a purchase order to Bestco Construction Corporation of Hamilton in the amount of \$75,160 plus applicable GST of \$5,261 to construct the barrier free modifications as stipulated in the contract documents issued by the City for the Hamilton Military Museum; and,
 - (b) That staff, upon the approval of the General Manager, Community Services Division, be authorized to expend \$5,000 plus applicable GST as construction contingency, if deemed required, for the project; and,
 - (c) That these expenditures be funded from Capital Account No. CF809453004 Barrier Free Access, Recreation Buildings.
5.
 - (a) That approval be given to issue a purchase order to Ira McDonald Construction Ltd. of Burlington, Ontario as the General Contractor for the seating and washroom modifications at the Ivor Wynne Stadium, Barrier Free design Modification project. The purchase order amount is \$289,668 plus applicable GST to a total of \$309,945; and,

- (b) That the work be financed from Capital Account No. CF809453005 Barrier Free Access-City Buildings and No. CF809453004, Barrier Free Access Recreation Buildings; and,
 - (c) That a contract satisfactory to the City Solicitor be entered into between the City and the Contractor; and,
 - (d) That the Mayor and the City Clerk be authorized to execute the contract on behalf of the City; and,
 - (e) That staff, upon the approval of the General Manager, Community Services Division, be authorized to expend \$15,000 plus applicable GST as project contingency, if deemed required, for the project.
6. That the retention of the Positively Downtown Program as part of the "Restore the Core" Capital Budget project be considered by Council during the 1999 Capital Budget exercise.
7. That the General Manager of Community Services be authorized to apply to the Hamilton Community Foundation for a grant of up to \$40,000 for the installation of a permanent archaeology exhibit in the Cockpit building at Dundurn for primary special educational purposes.
8. (a) That City Council reaffirm its support for the Zero Tolerance to Violence in Recreation Facilities Policy; and,
- (b) That the General Manager, Community Services Division, be instructed to take no further action on the formation of a third party appeals board; and,
- (c) That staff be authorized to implement marketing strategies, within budget, to increase public awareness and compliance with the Policy; and,
- (d) That the General Manager, Community Services Division, be instructed to commence discussions with minor sports organizations to review the feasibility of establishing a renewed and expanded city-wide sports advisory body that could assume responsibility for, among other things, investigating and reporting to city staff on incidences of violence in city-owned sports facilities and fields.
9. (a) That City Council give final approval to host the 2000 International Children's Games Millenium Festival as a civic event, based on the "Business Plan to host the Year 2000 International Children's Games Millenium Festival" available for viewing in the Office of the Clerk; and,

- (b) That the General Manager, Finance be instructed to make provision in the Ten Year Capital Budget to provide \$150,000 in 1999 and \$150,000 in the year 2000 for a total contribution to the hosting of the Games of \$300,000; and,
 - (c) That the Mayor be authorized to sign an agreement with Her Majesty the Queen in Right of Canada (as represented by the Millenium Board of Canada) in order to receive a Federal contribution in the amount of \$300,000 through the Millenium Bureau of Canada; and,
 - (d) That the 2000 International Children's Games Millenium Festival Committee, as outlined in the Business Plan, be affirmed as a Sub-Committee of the Parks and Recreation Committee; and,
 - (e) That the Festival Committee be authorized to continue negotiations with the Province of Ontario to secure matching funding.
- 10.
- (a) That approval be granted to the General Manager, Community Services Division to enter into Licence Agreements, in a form acceptable to the City Solicitor, with both the Hamilton Tennis Club and Rosedale Tennis Club; and,
 - (b) That each Licence Agreement contain the following terms and conditions:
 - (i) Term commences 1999 January 1 and terminates 2008 December 31; and,
 - (ii) The Club shall pay the cost of the following services or items:
 - (1) Hydro electric power and natural gas
 - (2) Maintenance of tennis court surfaces
 - (3) Cleaning and caretaking of the clubhouse; and,
 - (iii) The Club shall hold free tennis clinics for junior players; and,
 - (iv) The Club should provide 235 hours of daytime tennis court time per year for use of schools or for use by the City for junior players; and,
 - (c) That the City Solicitor be authorized and directed to prepare the necessary documents; and,
 - (d) That the City take no further action to recover the \$100,000 owing under the leaseback arrangement for the "bubble" which was installed at the Rosedale Tennis Club; and,
 - (e) That the Finance and Administration Committee be requested to recommend the method of financing the amounts forgiven for utility arrears and amounts owing under the loan/leaseback agreement.

11. (a) That approval be given in principle, for the Municipal Alcohol Risk Management Policy, available for viewing in the Office of the Clerk subject to consultation with stakeholders; and,

(b) That the General Manager, Community Services Division be directed to report back to the Parks and Recreation Committee on the results of the consultation and for direction to implement the Policy no later than 1999 January 31st.
12. (a) That the Commissioner of Public Works and Traffic be authorized to apply to the Canada Millennium Partnership Program for a grant for an amount of up to \$2,500,000 for the Hamilton Harbour Waterfront Trail; and,

(b) That staff be authorized to develop a promotional campaign for the purpose of raising funds for Phase 2 implementation of the Hamilton Harbour Waterfront Trail.
13. (a) That the General Manager, Community Services Division, be authorized to prepare a Request for Proposals to retain a single private partner to provide golf course/ski hill and food and beverage services for the Hamilton Civic Golf Courses/Ski Hill, commencing the 2000 Golf Playing Season for the consideration of the Parks and Recreation Committee; and,

(b) That the General Manager, Community Services Division be authorized to negotiate a one year contract, with revised terms, with all current private partners for one final year to cover the 1999 Season.
14. (a) That the General Manager, Community Services Division be authorized to finalize and issue the Request for Proposals as prepared by the JF Group for a public-private partnership to construct and operate a multi-pad arena/sports complex in the City of Hamilton; and,

(b) That the results of this RFP process be reported as per the project timetable to the Parks and Recreation Committee; and,

(c) That William Connell Park be designated as the preferred municipally-owned site for the complex, with the understanding that the City is prepared to consider proposals on private lands; and,

(d) That staff be authorized to commence a rezoning application, based on the potential proposed use and upon the approval of this recommendation.

1998 November 10

15. That Alderman Fred Eisenberger be appointed to represent the City of Hamilton on the Hamilton Harbour Remedial Action Plan Forum.

Respectfully Submitted,

**ALDERMAN BERNIE MORELLI, CHAIRMAN
PARKS AND RECREATION COMMITTEE**

Kevin C. Christenson, Secretary

1998 November 2nd

**PLANNING & DEVELOPMENT
COMMITTEE**

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **NINETEENTH** Report for 1998 and respectfully recommends:

1. (a) That approval be given to Official Plan Amendment No.156 to establish a Special Policy Area to permit a parking lot only in conjunction with lands located at 190 Gage Avenue South, on lands known municipally as 227-229 Maplewood Avenue, as shown on the attached map marked as Appendix "A", and the City Solicitor be directed to prepare a By-law of Adoption for submission to the Regional Municipality of Hamilton-Wentworth; and,
- (b) That approval be given to amended Zoning Application 98-25, Taras Shevchenko Home for the Aged, owner, for a change in zoning from "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District to "G – 3" (Public Parking Lots) District, modified to permit a parking lot on the property located at 227-229 Maplewood Avenue, as shown on the attached maps marked as Appendices "A" and "B", subject to the following:
 - (i) That the subject lands be rezoned from "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District to "G-3" (Public Parking Lots) District; and,
 - (ii) The "G-3" (Public Parking Lots) District regulations, as contained in Section 13C of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variances as special provisions:
 - (1) That the subject lands be used only in conjunction with 190 Gage Avenue South; and;
 - (2) That notwithstanding Section 13C. (4) (ii), a planting strip of not less than 1.5 m in width shall be provided and maintained along the northerly and easterly lot lines, except for any area used for driveway access; and,
 - (3) That Section 13C. (2), shall not apply; and,
 - (4) That Section 13C. 4 (ii), shall not apply to the westerly lot line; and,
 - (5) That Section 13C. 4 (iii), shall not apply to the northerly and easterly lot lines; and,

- (6) That notwithstanding Section 18A. (26) of Zoning By-law No. 6593, the access driveway shall be within 3.0 m of a residential district; and,
 - (iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S -1417, and the subject lands on Zoning District Map E-34 be notated S -1417; and,
 - (iv) That the City Solicitor be directed to prepare a By-law to amend zoning By-law No. 6593 and Zoning District Map E-34, for presentation to City Council; and,
 - (v) That this proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No.156 by the Regional Municipality of Hamilton-Wentworth;
 - (vi) That the subject lands be redesignated on the Approved Blakeley Neighbourhood Plan from "Single and Double Residential" to "Commercial" upon finalization of the implementing By-law.
2. (a) That approval be given to Official Plan Amendment No.155 to reflect the recent changes to the Ontario Regulations under the Planning Act respecting public notification procedures, on the following basis:
- (i) Subsection D.9 – Notification and Public Participation Procedure is amended by deleting Policies D.9.1 ii) and iii) and replacing them with the following new policies:
 - D.9.1 ii) Notification of public meeting(s) for the adoption of the Official Plan and Amendments, changes to the Zoning By-law, Plans of Subdivision and Community Improvement Plans will be given to the public at least 17 days prior to the date of the meeting (s) and the notice will be given in accordance with the applicable requirements of the Planning Act regulations.
 - D.9.1. iii) Council decisions will take place a minimum of 17 days from the time the first notification is given, for Planning Act applications/procedures identified in Policy D.9.1. ii).
 - D.9.1 iv) Where a notice of public meeting or written notice of an application is required for Planning Act application, other than those identified in Policy D.9.2.ii), notice will be given in accordance with the applicable requirements of the Planning Act.

- D.9.1. v) Notice of the intention of the passing of an amending by-law to remove a holding symbol will be given in accordance with the applicable requirements of the Planning Act.
- D.9.1.vi) Notice of the passing of an Interim Control By-law will be given in accordance with the applicable requirements of the Planning Act.; and,
- (ii) That the Director of the Planning and Development Department be directed to prepare a by-law, to the satisfaction of the City Solicitor, for submission to the Region of Hamilton-Wentworth; and,
- (b) That the Council adopted policy regarding sign posting guidelines for Public Notice signs be amended to include the following additional information: date, time and location of the public meeting.
- 3. (a) That the section titled "Maximum Loan", of Appendix "A" to the Downtown Hamilton Community Improvement Plan adopted by By-law 97-140 and subsequently amended by By-law 98-212, that describes the terms of the Hamilton Downtown Convert/Renovate-to-Residential Loan Program, be repealed and replaced with Appendix "C" attached; and,
- (b) That the amendment to the Downtown Hamilton Community Improvement Plan be submitted to the Ministry of Municipal Affairs and Housing for the appropriate approval; and,
- (c) That the City Solicitor be authorized to prepare the requisite By-law for (a) above.
- 4. That no action be taken on the request for a demolition permit for 30 Norfolk Street North.
- 5. (a) That the proposed Planning Tariff Fees for planning applications, as contained in Appendix "D" be approved; and,
- (b) That the City Solicitor be directed to further amend By-law 97-084 to incorporate the new fee structure; and,
- (c) That the Planning and Development Department staff be directed to participate in ongoing liaison with the HHHBA to review total fee charges for the housing industry and other ongoing planning issues and concerns.
- 6. (a) That approval be granted to application CDM-CONV-98-010 (Regional File 25CDM-98013) submitted by Lapa Investments Ltd., owner, for a draft plan of condominium for property located at No. 893 Concession Street, as shown on the

attached Plan marked as Appendix "E", to provide for a condominium comprised of 22 individual apartment condominium units, subject to the following conditions:

- (i) That this approval applies to the attached draft plan dated June 29, 1998 (Appendix "A") prepared by A.J. Clarke and Associates Ltd.; and,
- (ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor; and,
- (iii) That prior to approval of the final plan:
 - (1) property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law No. 6593 and the Official Plan, and,
 - (2) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593. In particular, and not limited to, a successful application to the Committee of Adjustment is required to address the required parking and loading spaces; and,
- (b) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.

7. (a) That approval be granted to application CDM-CONV-98-009 (Regional File 25CDM-98012) submitted by Gaspar & Silva Ltd., owner, for a draft plan of condominium for property located at No. 37-57 Mericourt Road, as shown on the attached Plan marked as Appendix "F", to provide for a condominium comprised of 66 individual apartment condominium units, subject to the following conditions:
- (i) That this approval applies to the attached draft plan dated June 25, 1998 (Appendix "F") prepared by Consoli & Jacobs Surveying Limited; and,
 - (ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor; and,
 - (iii) That prior to approval of the final plan:
 - (1) property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law No. 6593 and the Official

Plan, and,

- (2) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593; and,

- (b) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.

- 8. (a) That approval be granted to application CDM-CONV-98-007 (Regional File 25CDM-98009) submitted by Barton Ellis Holdings Limited (In Trust), owner, for a draft plan of condominium for property located at No. 293 Mohawk Road East, as shown on the attached Plan marked as Appendix "G", to provide for a condominium comprised of 24 individual apartment condominium units, subject to the following conditions:

- (i) That this approval applies to the attached draft plan dated March 24, 1995 (Appendix "G") prepared by Consoli & Jacobs Surveying Ltd.; and,

- (ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor; and,

- (iii) That prior to approval of the final plan:

- (1) property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law No. 6593 and the Official Plan, and,

- (2) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593. In particular, and not limited to, compliance in regard to parking space dimensions, manoeuvring spaces and access driveways and, if necessary, obtaining appropriate Committee of Adjustment variances; and,

- (b) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.

9.
 - (a) That Council approve the investigation of settlement options with McMaster University regarding the proposed designation of the University's Historic Core under the Ontario Heritage Act; and,
 - (b) That, for this purpose, Council approve the establishment of a special review committee consisting of the Planning and Development Committee and the Chairman of LACAC to commence negotiations and report back with recommendations to Council; and,
 - (c) That the process begin with discussions at the staff level as suggested by representatives of McMaster University.

10. That approval be granted to the application of Fourth Real Properties Limited, (which holds a ninety-nine year Ground Lease from the City of the portion of Jackson Square known as the Standard Life Building, 120 King Street West), to a new first mortgage of the Ground Lease by our Lessee, as borrower, in favour of Royal Trust Corporation of Canada, Mortgagee, in an amount not exceeding \$56,900,000. at an interest rate not exceeding 7%, for a term of 10 years, subject to the following conditions:
 - (a) That the tenant's new leasehold mortgage be subject to the rights of the City as Lessor under the Ground Lease dated 1981 June 1, entered into by the City as Lessor and Fourth Real Properties Limited (formerly Fourth Phase Civic Square Limited) as Lessee; and,
 - (b) That the tenant's new leasehold mortgage be a first mortgage in favour of Royal Trust Corporation of Canada, Trustee for The Standard Life Assurance Company; and,
 - (c) That Royal Trust Corporation of Canada and Fourth Real Properties Limited enter into and deliver to the City:
 - (i) the City's Lloyd D. Jackson Square "Consent to Mortgage Agreement", in which the Mortgagee agrees to be bound by the Ground Lease if it were to take over the Lease; and,
 - (ii) an Undertaking to the City to abide by the obligations of Fourth Real Properties Limited under the Hotel Interface Agreement dated 1984 July 30; and,
 - (d) That the Mayor and City Clerk be authorized to execute the City's Consent Agreement in a form satisfactory to the City Solicitor. The Agreement shall be registered by the Lessee on title the premises leased from the City.

11. That the Building Commissioner be authorized to deny a demolition permit until a building permit has been issued to replace the subject building at 276 Wellington Street North.

12. (a) That approval be given to application CDM-CONV-98-011, Herminio Silva, applicant, to establish a draft plan of condominium, located at No. 29 Sherman Avenue South, as shown on the attached maps marked as Appendices "H" and "I", to provide for a condominium comprised of a total of 23 residential apartment units within the existing four storey building, subject to the following conditions:
- (i) That this approval applies to the attached draft plan, attached as Appendix "J", as redline revised and dated July 5, 1998 prepared by Consoli & Jacobs Surveying Ltd. and certified by Bryan Jacobs, O.L.S.; showing a total of 23 residential apartment units within an existing four storey building; and,
 - (ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City, concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor; and,
 - (iii) That prior to approval of the final plan:
 - (1) Property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law 6593 and the Official Plan; and,
 - (2) The applicant/owner shall provide proof to the satisfaction of the City of Hamilton Building Commissioner, that the existing building and lands, including gross floor area, landscaped area, parking area, loading spaces and access driveways, are legally established non-conforming, OR,

Any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593; and,
 - (iv) That the owner shall have received the Certificate of Approval from the City of Hamilton pursuant to the Rental Housing Protection Act for the conversion of the rental property to a condominium (Application CD-97-004); and,
 - (v) That the owner shall have satisfied all requirements, financial and otherwise of the Regional Municipality of Hamilton-Wentworth and that the City be advised by the Regional Municipality of Hamilton-Wentworth that this condition has been carried out to its satisfaction. The clearance letter from the Regional Municipality shall include a brief statement for each condition detailing how it has been satisfied and carried out; and,

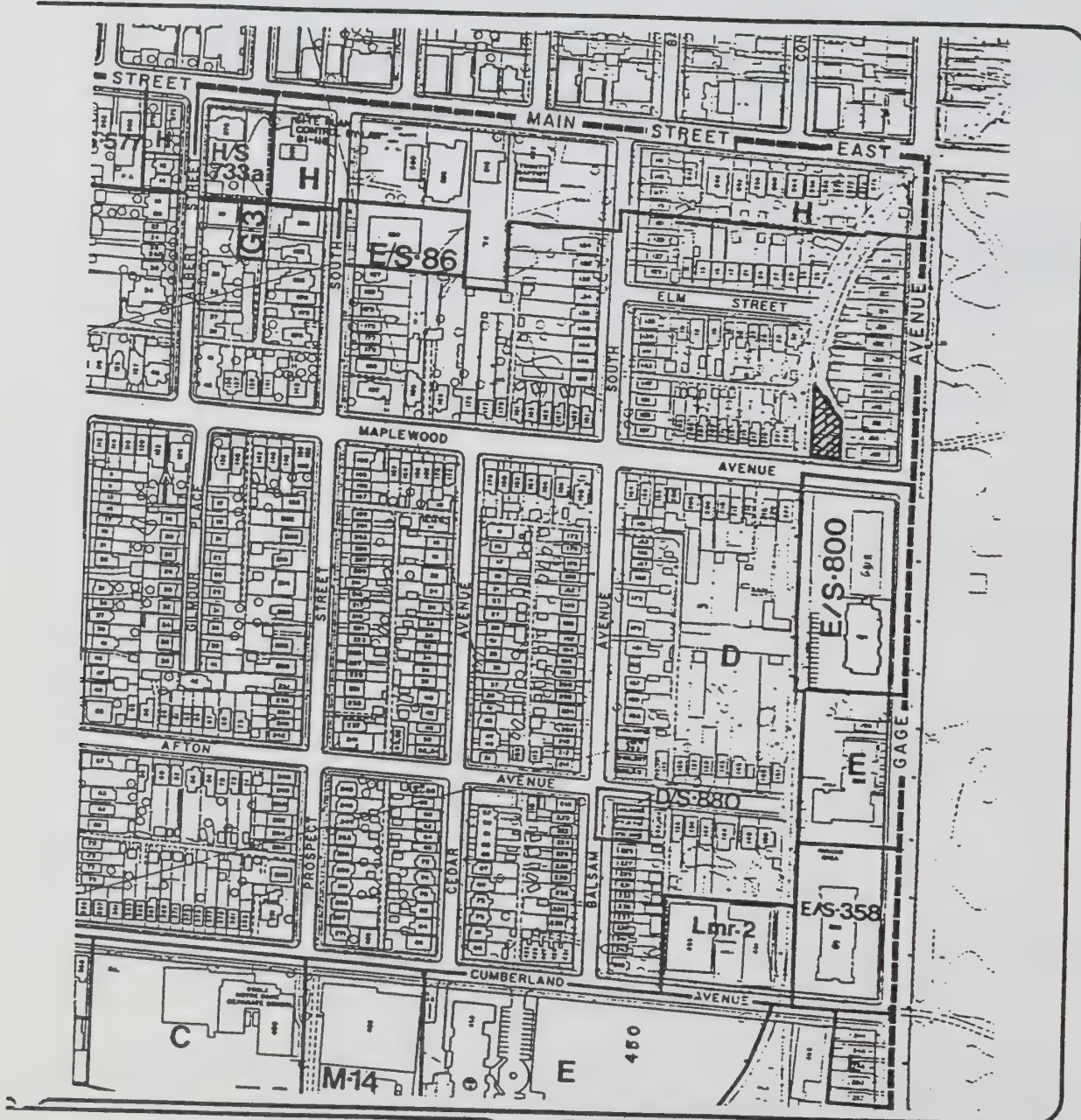
- (vi) That the Director of Planning and Development shall have been satisfied that the conditions of approval are fulfilled or provided for as required.
 - (b) That the Mayor and the City Clerk be authorized to grant approval by signing the draft plan; and,
 - (c) That the Mayor and City Clerk be authorized to sign the final plan of the condominium once the requirements are completed.
13. (a) That the City of Hamilton provide a release for the current owner of the property known as 105 Cascade Street from the construction covenants to the City as contained in Instrument Numbers AB321337 and AB321337Z registered on 1973 December 28; and,
- (b) That the Mayor and City Clerk be authorized and directed to execute the necessary documents.
14. That a Heritage Permit be approved for alterations to the front entrance stairways and landings of the semi-detached stone house at 109-111 Charles Street located in the MacNab-Charles Heritage Conservation District, as shown on the drawing attached hereto and marked as Appendix "K".
15. That a Heritage Permit be approved for an extension to the front of the rear yard garage at 182 St. Clair Boulevard located in the St. Clair Boulevard Heritage Conservation District, as shown on the drawing attached hereto and marked as Appendix "L".
17. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
- (a) C-125 A By-law to Amend Zoning By-law No. 6593 Respecting Land Located at Municipal No. 330 and 342 Dundurn Street South.
 - (b) C-126 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Located on the West Side (Bay Side) of Beach Boulevard, in the Beach Neighbourhood.
 - (c) C-127 A By-law to Establish Site Plan Control Respecting Lands Located on the West (Bay) Side of Beach Boulevard.
 - (d) C-128 A By-law to Adopt Official Plan Amendment No. 155 Respecting Notification and Public Participation Procedures.
 - (e) C-129 A By-law to Amend By-law No. 97-084 Respecting Tariff of Planning Fees.

1998 November 10

Respectfully submitted,

**ALDERMAN F. D'AMICO
PLANNING AND DEVELOPMENT
COMMITTEE**

**Tina Agnello, Secretary
1998 November 4**



Legend

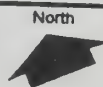


Site of the Application

City of Hamilton

Location Map

Planning and Development Department

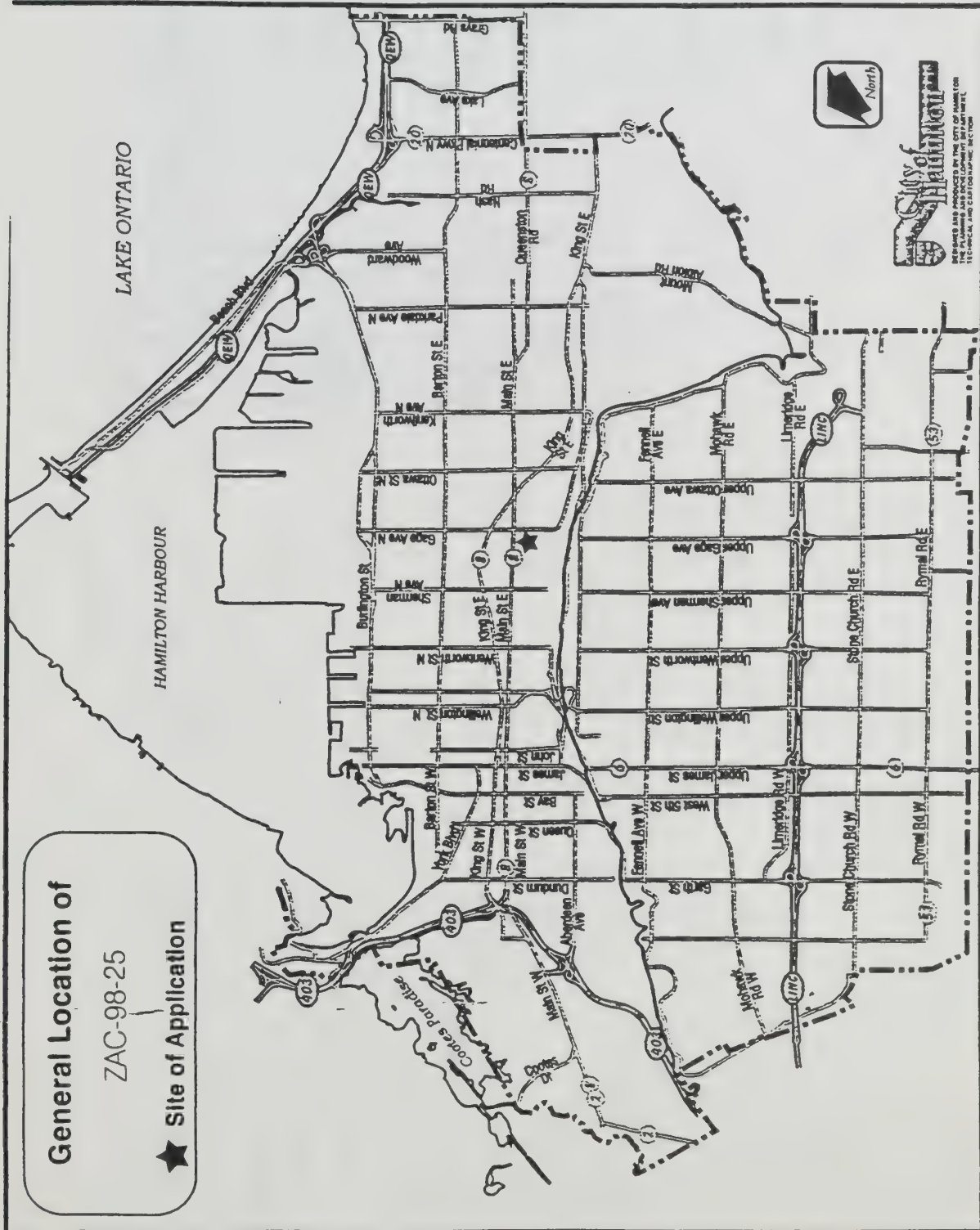


Scale
NOT TO SCALE

Reference File number
ZAC-98-25

Date
June 1998

Drawn By
F.A.



1998 November 10

Appendix "C" referred to in Section 3 of
the **NINETEENTH** Report of the
Planning and Development Committee
for 1998

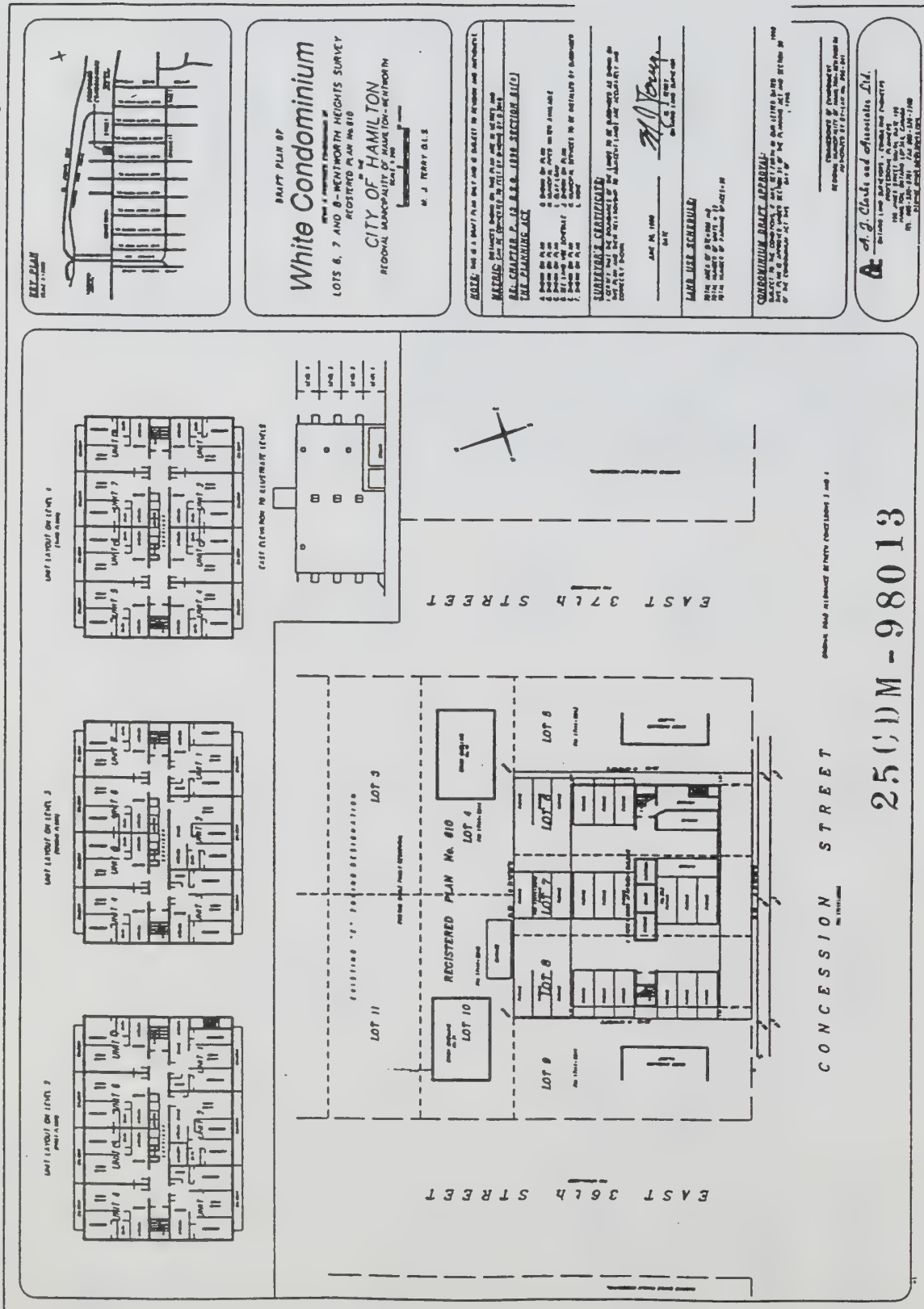
MAXIMUM LOAN:

The lesser of cost or \$12,000 per unit maximum for units 600 sq. ft. or less. Unit size in excess of 600 sq. ft., per unit, qualifies for additional assistance at the rate of \$20 per sq. ft. to a maximum of \$20,000. Loans are for a maximum of \$500,000 per deeded property.

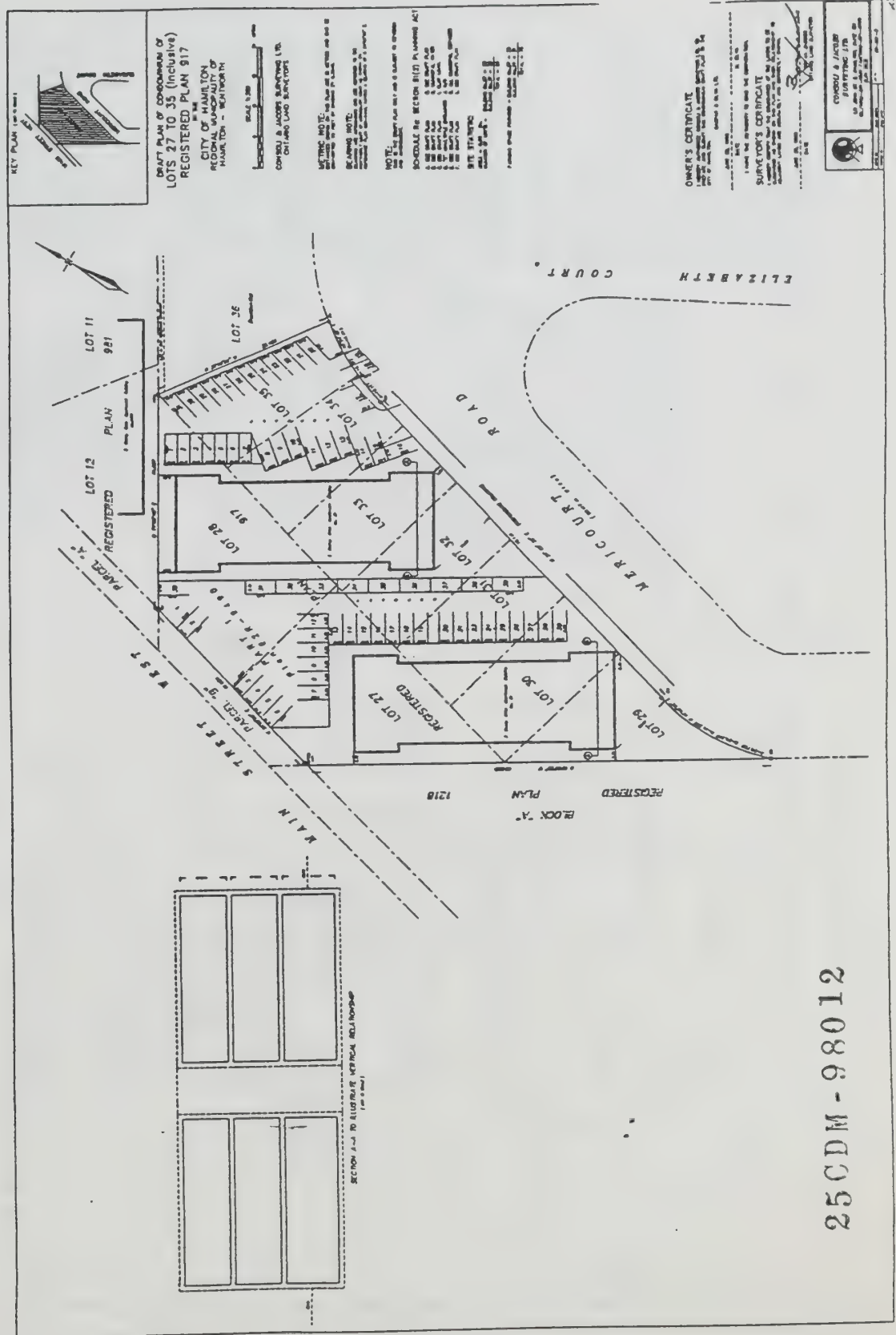
1998 November 10

Appendix "D" referred to in Section 5 of the NINETEENTH Report of the Planning and Development Committee for 1998

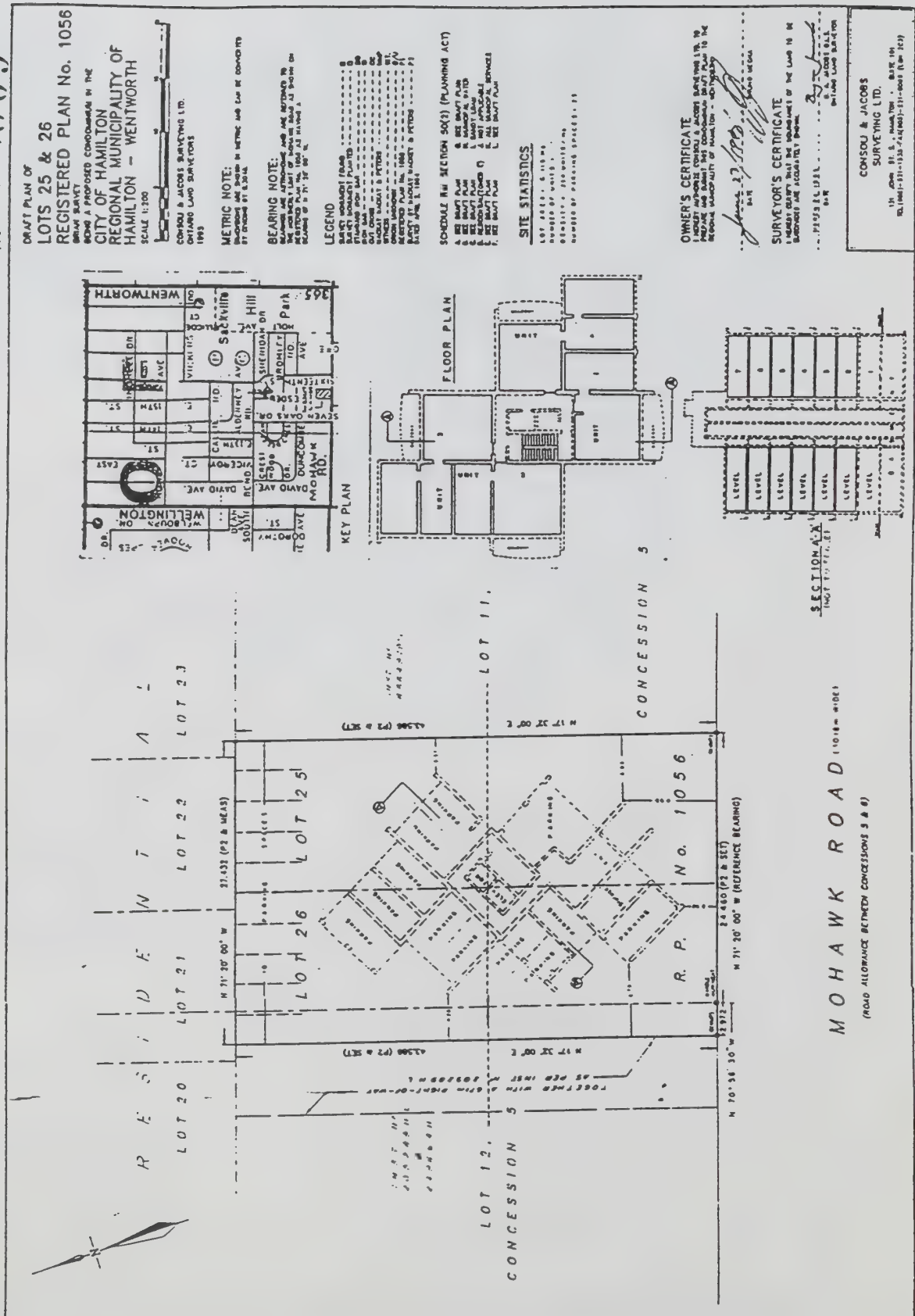
<u>APPLICATIONS</u>	<u>PLANNING FEES</u>					<u>ESTIMATE # OF APPLICATIONS</u>	<u>FEES GENERATED</u>
	<u>CURRENT FEE</u>	<u>CONSULTANT RECOMMENDED FEE</u>	<u>PROPOSED FEE</u>	<u>FEE INCREASE</u>			
1. <u>Rezoning</u>							
• Routine	\$ 900	\$1,300	\$1,200	\$300	10		\$ 12,000
• Complex - Phase I	\$1,165	\$1,680	\$1,500	\$335	30		\$ 45,000
• Phase II	\$ 635	\$ 915	\$ 800	\$165	20		\$ 16,000
Sub-Total							\$ 73,000
2. <u>Official Plan Amendment</u>							
• Phase I	\$1,165	\$1,950	\$1,500	\$335	10		\$ 15,000
• Phase II	\$ 635	\$1,925	\$ 800	\$165	8		\$ 6,400
Sub-Total							\$ 21,400
3. <u>Site Plan Control</u>							
• Site Plan Applications	\$1,160	\$2,040	\$1,500	\$340	35		\$ 52,500
• Revisions to Plans	\$ 425	n/a	\$ 550	\$125	5		\$ 2,750
• Preliminary Review	\$ 425	n/a	\$ 550	\$125	5		\$ 2,750
• Exemption Requests	\$ 80	n/a	\$ 150	\$ 70	30		\$ 4,500
Sub-Total							\$ 62,500



1998 November 10



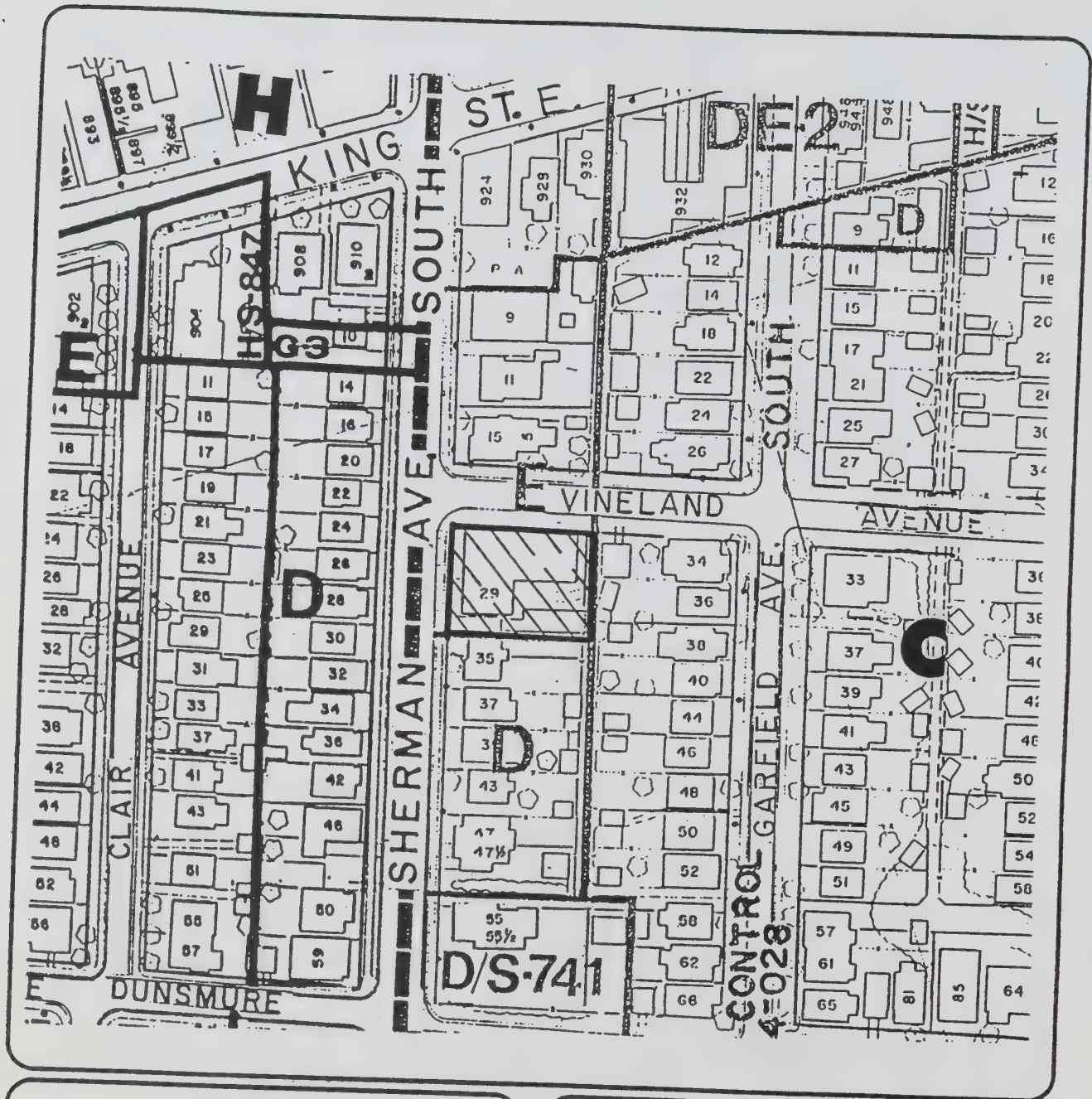
25CDM-98009





1998 November 10

Appendix "I" referred to in Section 12 of
the NINETEENTH Report of the
Planning and Development Committee
for 1998



Legend



Site of the Application

City of Hamilton

Location Map

Planning and Development Department

North



Scale
NOT TO SCALE

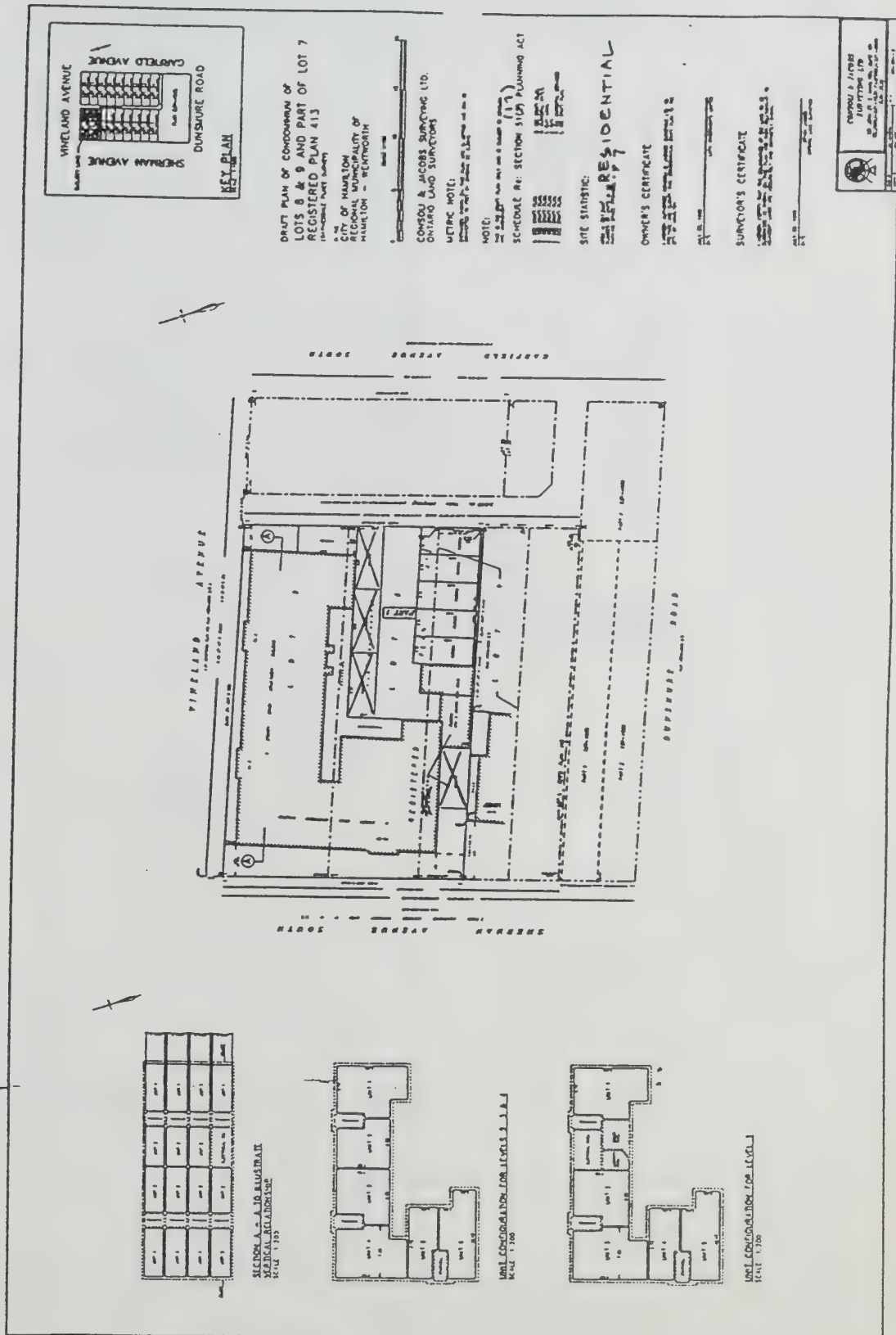
Reference File No.
COM-CONV-98-011

Date
October, 1998

Drawn By
K.E.

1998 November 10

Appendix "J" referred to in Section 12 of the NINETEENTH Report of the Planning and Development Committee for 1998

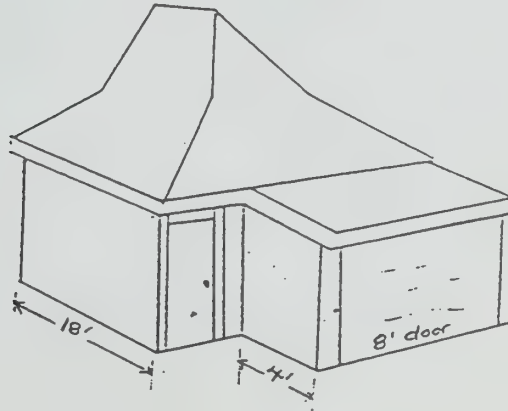


1998 November 10

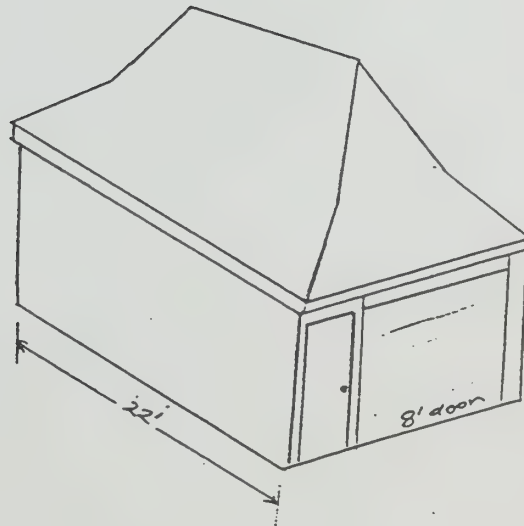


Rear Yard Garage at 182 St. Clair Boulevard
St. Clair Boulevard Heritage Conservation District

EXISTING GARAGE



PROPOSED EXTENSION



NOTES

The original walls are double brick masonry but the existing extension is clad in wood. The new existing and new extensions will be the same double brick construction using reclaimed brick to match and tinted mortar.

The extended roof structure will be re-roofed with new red asphalt shingles to match the house roof.

The garage will have an overhead rolling metal door and the adjacent doorway will have a panelled wood door.

FINANCE & ADMINISTRATION
COMMITTEE

1998 November 10

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **TWENTY-FIRST** Report for 1998 and respectfully recommends:

1. (a) That the City be authorized to enter into Extension Agreements, if required, in a form satisfactory to the Solicitor and the General Manager, Finance pursuant to Section 8 of the Municipal Tax Sales Act, with the owners of the following properties to extend the time open for payment of realty tax arrears in accordance with the policy for extension agreements approved by City Council on 1994 June 28:

298 Hughson Street North
4 Manning
26 Duncairn

 - (b) That the by-law to authorize the said Extension Agreements be enacted by Council; and,
 - (c) That the Mayor and City Clerk be authorized to execute the aforesaid by-law and extension agreements.
2. (a) That approval be given for a City contribution in the amount of \$1,500 to the Bay Area Restoration Council to assist in the cleaning up of the harbour watershed; and,
 - (b) That funding for the 1998 expenditure be financed from Centre CH24201 – Unclassified; and,
 - (c) That the Bay Area Restoration Council be advised that any future requests for funding be made through the City's Grants process.
3. That the City of Hamilton endorses the People's Resolution for a United Canada proposed by the Team Canada for Unity as follows:

WHEREAS the City of Hamilton believes that Canada is a country that is second to none, enriched by the presence of the Aboriginal peoples and their cultures, graced with the vitality of the English and French languages and gifted with the diversity of multiculturalism; and,

1998 November 10

WHEREAS the City of Hamilton believes that all Canadians are equal and all Canadian provinces have equality of status; and,

WHEREAS the City of Hamilton believes that Canada, with its existing Constitution and Charter of Rights and Freedoms, offers all of its citizens and provinces an equal opportunity to prosper and flourish. The same Constitution has enabled and must continue to enable the Province of Quebec, a fundamental and valued partner of the Canadian confederation, the opportunity to promote and protect its culture, civil law tradition and French language; and,

WHEREAS the City of Hamilton recognizes the English and French languages, Canada's two official languages, as a fundamental and enriching part of our heritage as well as an unequivocally important part of its future and that Canadians and their governments must endeavour, in a spirit of good faith, to ensure the vitality of these two official languages, and,

WHEREAS the City of Hamilton believes that Canadians and their governments must be committed to the protection and promotion of official language minority communities throughout Canada;

NOW THEREFORE BE IT RESOLVED THAT the City of Hamilton, in a spirit of friendship and in the name of unity, proudly adopts this People's Resolution for a United Canada and we hereby urge all Canadian municipalities to join us in this grassroots effort to resolve the issue of Canadian unity;

AND BE IT FURTHER RESOLVED THAT the citizens of Hamilton call upon the Government of Canada (and all Federal Parties) as well as all provincial legislatures/assemblies (and all provincial parties) to join together with municipal governments, the level of government closest to the people, to ensure that all Canadians from all provinces are consulted on the issue of national unity;

AND BE IT FURTHER RESOLVED THAT the citizens of Hamilton call upon the Government of Canada and all provincial legislatures/assemblies to ensure that continuance of a united Canada in accordance with the moral, political, legal and consitutional obligations of our nation, and we demand that the Government of Canada and all provincial legislatures/assemblies ensure that any future constitutional negotiations not lead to the breakup of our country;

AND BE IT FURTHER RESOLVED THAT this resolution be sent to the Prime Minister of Canada and the Minister of Intergovernmental Affairs, and to the Premier of Quebec, Members of the National Assembly, Members of Parliament, all Provincial Legislatures and the Federation of Canadian Municipalities.

4. (a) That the request for Property Tax relief from the Royal Canadian Legion Branch 58 for 1998 in accordance with the Policy on Tax exemption for Veteran's Associations adopted by City Council 1981 September 29, be approved in the amount of \$12,575.38; and,

- (b) That this exemption be charged to account CH 53319 24102 Property Tax Relief; and,
 - (c) That this exemption reflects the third year of ten years that the policy allows for this exemption and will require applications for future years on a yearly and per need basis.
5. That the 1997 Post Audit Letter containing observations and recommendations concerning the City's accounting systems, procedures and controls and subsequent management action be accepted.
6. (a) That the Corporation of the City of Hamilton enter into a lease at 50A Jackson Street West with the Hamilton Public Library for a five (5) year period commencing 1998 December 1; and,
- (b) That the lease for the above space contain the following terms and conditions:
- (i) Premises: The leased premises are located in the basement of 50A Jackson Street West, and comprises 1,240 square feet (formerly occupied by the Hamilton Press Club) and is to be used as storage space; and,
 - (ii) Term: Five (5) year term commencing on 1998 December 1; and,
 - (iii) Rent: \$6.50 per square foot (net) \$8,060 per annum, \$671 per month; and,
 - (iv) Leasehold Improvements: The Hamilton Public Library will be responsible for all leasehold improvements; and,
- (c) That the Mayor and Clerk be authorized and directed to execute a short term Lease Agreement in a form satisfactory to the Solicitor.
7. (a) That a purchase order be issued to Almonte Fire Trucks Lfd., Carleton Place, Ontario, in an amount not to exceed \$1,257,936.94 including all applicable taxes, for the supply and delivery of two (2) Triple Combination Pumpers and one (1) Rescue Unit, in accordance with the specifications issued by the Purchasing Division and the vendor's tender. This bid is the lowest acceptable bid received; and,
- (b) That the Mayor and Clerk be authorized and directed to execute the above mentioned contract in a form satisfactory to the Solicitor; and,

- (c) That the shortfall of net cost after GST rebate and trade-in/disposal of the vehicles in the amount of \$117,000 (\$1,700,000 less \$1,053,000 as authorized in the 1998 Capital Budget) be financed by a transfer of funds from Current Budget Account CH 54110 – 48005; and,
 - (d) That the Account Centre CF 489851036 Vehicle/Apparatus Replacement be revised from \$1,053,000 to \$1,170,000 noted above as authorized cost; and,
 - (e) That this expenditure be charged to Capital Account CF 5531 489851036 – Vehicle/Apparatus Replacement.
8. (a) That the City of Hamilton fully supports the stand taken by the School Board on school closures; and,
- (b) That the City continue to work closely with the School Board on Provincial downloading issues; and,
- (c) That the Region be requested to support this position.
9. That the City advise the Hamilton Health Sciences Corporation that it supports the Burn Trauma Unit remaining at the Hamilton General Hospital.
10. That Bannatyne & Company provide the City of Hamilton and HECFI with claims adjusting services being the lowest of (4) four tenders received in accordance with the specifications issued by the Purchasing Section, Ref. C16-3198, and to be financed through the Damage Claims Account CH55296 24130.
- | | |
|-----------------|-------|
| Hourly Rate | \$50 |
| Office Expense | 10% |
| Mileage/km | \$0.3 |
| Photographs/ea. | \$1 |
11. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
- (a) D-55 A By-law to Authorize an Extension Agreement for Payment of Realty Tax Arrears
 - (b) D-56 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton

1998 November 10

Respectfully submitted,

**ALDERMAN D. WILSON, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan K. Reeder
Secretary
1998 November 3**

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**TUESDAY, 1998 NOVEMBER 10
7:30 O'CLOCK P.M.
HAMILTON CONVENTION CENTRE**

B I L L S

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98-

BEING A BY-LAW TO AMEND
BY-LAW NO. 89-72 TO REGULATE TRAFFIC

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

AND WHEREAS it is necessary to amend By-law 89-72, as amended;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That **Schedule 24 (Parking Meter Locations)** of By-law 89-72, as amended, is hereby further amended by deleting therefrom the following items, namely:-

"Catharine	West	Jackson to Main
Catharine	West	Main to King William
Catharine	West	King William to Rebecca
Catharine	East	Rebecca to Wilson
Ferguson	Both	King to Wilson
Hughson	East	Jackson to Main
Jarvis	Both	King William to the southerly end
Jackson	South	James to MacNab
Jackson	North	MacNab to City Hall
Jackson	North	Catharine to Ferguson
King William	North	James to John
King William	North	John to Wellington
Mary	East	King to King William
Mary	East	King William to Rebecca
Mary	East	commencing at a point 73 feet south of Wilson to a point 72 feet north of Rebecca

Public Alley at rear of Main Post Office	South	Hughson to easterly end
Rebecca	North	From 87 ft. east of Ferguson to 160 ft. east of Ferguson
Rebecca	North	From a point 25 feet east of Ferguson to a point 27 feet easterly therefrom
Rebecca	North	Catharine to Ferguson
Rebecca	South	James to Hughson
Rebecca	North	John to Catharine
Rebecca	South	Hughson to John
Rebecca	South	1st west of John
Rebecca	South	1st west of Hughson
Spring	East	Main to 92 ft. south
Walnut	West	King to Main"

2. That **Schedule 25 (Parking Time Limits)** of said by-law is hereby amended by adding thereto the following items, namely:-

"Catharine	West	Jackson to Main	2 hr	8 am - 6 pm	Mon - Sat
Catharine	West	King William to Rebecca	2 hr	8 am - 6 pm	Mon - Sat
Catharine	East	Rebecca to Wilson	2 hr	8 am - 6 pm	Mon - Sat
Ferguson	Both	King to Wilson	2 hr	8 am - 6 pm	Mon - Sat
Hughson	East	Jackson to Main	2 hr	8 am - 6 pm	Mon - Sat
Jarvis	Both	King William to the southerly end	2 hr	8 am - 6 pm	Mon - Sat
Jackson	South	James to MacNab	2 hr	8 am - 6 pm	Mon - Sat
Jackson	North	MacNab to City Hall	2 hr	8 am - 6 pm	Mon - Sat
Jackson	North	Catharine to Ferguson	2 hr	8 am - 6 pm	Mon - Sat
King William	North	James to John	2 hr	8 am - 6 pm	Mon - Sat
King William	North	John to Wellington	2 hr	8 am - 6 pm	Mon - Sat
Mary	East	King to King William	2 hr	8 am - 6 pm	Mon - Sat

Mary	East	King William to Rebecca	2 hr	8 am - 6 pm	Mon - Sat
Mary	East	commencing at a point 73 feet south of Wilson to a point 72 feet north of Rebecca	2 hr	8 am - 6 pm	Mon - Sat
Public Alley at rear of Main Post Office	South	Hughson to easterly end	2 hr	8 am - 6 pm	Mon - Sat
Rebecca	North	From 87 ft. east of Ferguson to 160 ft. east of Ferguson	2 hr	8 am - 6 pm	Mon - Sat
Rebecca	North	From a point 25 feet east of Ferguson to a point 27 feet easterly therefrom	2 hr	8 am - 6 pm	Mon - Sat
Rebecca	North	Catharine to Ferguson	2 hr	8 am - 6 pm	Mon - Sat
Rebecca	South	James to Hughson	2 hr	8 am - 6 pm	Mon - Sat
Rebecca	North	John to Catharine	2 hr	8 am - 6 pm	Mon - Sat
Rebecca	South	Hughson to John	2 hr	8 am - 6 pm	Mon - Sat
Rebecca	South	1st west of John	2 hr	8 am - 6 pm	Mon - Sat
Rebecca	South	1st west of Hughson	2 hr	8 am - 6 pm	Mon - Sat
Spring	East	Main to 92 ft. south	2 hr	8 am - 6 pm	Mon - Sat
Walnut	West	King to Main	2 hr	8 am - 6 pm	Mon - Sat"

3. That **Schedule 24 (Parking Meter Locations)** of the said By-law is hereby amended by adding to **Section 1. (A)** (3 Hour/fifty cents per hour) thereof the following items, namely:-

"Ferguson	Both	King to Wilson
Jarvis	Both	King William to the southerly end
Jackson	South	James to MacNab
Jackson	North	MacNab to City Hall
King William	North	John to Wellington
Mary	East	King to King William

Walnut West King to Main"

and by adding to **Section 2.(A)** (2 Hour/fifty cents per hour) thereof the following items, namely:-

"Catharine West Main to King William

Jackson North Catharine to Ferguson

Rebecca North Catharine to Ferguson"

and by adding to **Section 3.(A)** (1 Hour/fifty cents per hour) thereof the following items, namely:-

"Catharine West Jackson to Main

Catharine West King William to Rebecca

Hughson East Jackson to Main

Rebecca North from a point 25 feet east of Ferguson to a point 27 feet easterly therefrom"

and by adding to **Section 3. (B)** (1 Hour/One Dollar per hour) thereof the following items, namely:-

"Mary East King William to Rebecca

Mary East commencing at a point 73 feet south of Wilson to a point 72 feet north of Rebecca

Public Alley at
rear of Main
Post Office South Hughson to easterly end

Rebecca North From 87 ft. east of Ferguson to 160 ft. east of Ferguson

Rebecca South James to Hughson

Spring East Main to 92 ft. south"

and by adding to **Section 4.(A)** (Half Hour/fifty cents per hour) thereof the following items, namely:-

"Catharine East Rebecca to Wilson

Rebecca North John to Catharine"

and by adding to **Section 4.(B)** (1/2 Hour/one dollar per hour) thereof the following items, namely:-

"King William North James to John

Rebecca South Hughson to John"

and by adding to **Section 5.(A)** (15 Minutes/twenty five cents per hour) thereof the following items, namely:-

"Rebecca South 1st west of John
Rebecca South 1st west of Hughson"

4. In all other respects, By-law 89-72 and all Schedules thereto, as amended, are hereby confirmed, unchanged.
5. Sections 1 and 2 of this By-law shall come into force and take effect at 12:01 a.m. on the 1st day of December, A.D. 1998, and shall be repealed and cease to be in force and effect at 11:59 p.m. on the 31st day of December, A.D. 1998.
6. Section 3 of this By-law shall come into force and take effect at 12:01 a.m. on the 1st day of January, A.D. 1999.

PASSED this 10th day of November 1998.

CITY CLERK

MAYOR

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98-

BEING A BY-LAW TO AMEND
BY-LAW NO. 89-72 TO REGULATE TRAFFIC

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

AND WHEREAS it is necessary to amend By-law 89-72, as amended;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That **Schedule 26 (No Parking Areas)** of By-law 89-72, as amended, is hereby further amended by deleting therefrom the following item, namely:-

"Hughson	East	from a point 53 feet south of Murray to a point 21 feet southerly therefrom	8 am - 5 pm Mon - Fri"
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2. That **Schedule 34 (Sticker Permit Parking)** of the said By-law is hereby amended by adding thereto the following items, namely:-

"Avondale	West	commencing 25 feet south of Gertrude and extending 21 feet southerly therefrom	Anytime
East 24th	East	commencing 240 feet south of Crockett and extending 26 feet southerly therefrom	Anytime
Francis	North	commencing 93 feet west of Cheever and extending 22 feet westerly therefrom	Anytime
Francis	South	commencing 76 feet west of Cheever and extending 18 feet westerly therefrom	Anytime
Dundurn	West	commencing 268 feet north of Glenside and extending 20 feet northerly therefrom	Anytime"

and by deleting therefrom the following items, namely:-

"Montmorency North		commencing 312 feet west of the extended curb line of Montmorency and extending 18 feet westerly therefrom	Anytime
Dundurn	East	commencing 139 feet south of South and extending 18 feet southerly therefrom	Anytime"

3. That **Schedule 37 (Snow Routes)** of the said By-law is hereby amended by adding thereto the following item, namely:-

"Woodward Both Barton Melvin"

and by deleting therefrom the following item, namely:-

"Bigwin Both Pritchard Anchor"

4. In all other respects, By-law 89-72 and all Schedules thereto, as amended, are hereby confirmed, unchanged.
5. This By-law shall come into force and take effect upon the date of its passing and enactment.

PASSED this 10th day of November 1998.

CITY CLERK

MAYOR

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98-

BEING A BY-LAW TO AMEND
BY-LAW NO. 89-72 TO REGULATE TRAFFIC

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

AND WHEREAS it is necessary to amend By-law 89-72, as amended;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That **Schedule 10 (Stops at Intersections)** of By-law 89-72, as amended, is hereby further amended by adding thereto the following items, namely:-

"Mapleridge	Southbound	Acadia
Elk	Eastbound	Crerar
Resolute	Westbound	Crerar
Cumberland	Eastbound and Westbound	Prospect
Cumberland	Eastbound and Westbound	Norway
Cumberland	Eastbound and Westbound	Holton
Cumberland	Eastbound and Westbound	Burris"

2. That **Schedule 29 (No Stopping Areas - No Stopping Anytime)** of the said By-law is hereby amended by adding thereto the following item, namely:-

"Regal	North Rowntree to 59 feet east	Anytime"
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3. That **Schedule 31 (School Bus Loading Zones)** of the said By-law is hereby amended by adding theret the following items, namely:-

"Bobolink	South 190 feet	commencing 40 feet east of Meadowlark	7:00 a.m. - 6:00 p.m. Monday to Saturday
Munroe	North 50 feet	commencing 184 feet east of Wentworth	7:00 a.m. - 6:00 p.m. Monday to Saturday

Central	South 30 feet	commencing 40 feet east of Houghton	8:00 a.m. - 5:00 p.m. Monday to Friday
Wexford	West 60 feet	commencing 210 feet south of Central	8:00 a.m. - 5:00 p.m. Monday to Friday"

and by deleting therefrom the following item, namely:-

"Bobolink	South 120 feet	commencing at a point 40 feet east of Meadowlark	7:00 a.m. - 6:00 p.m. Monday to Saturday"
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4. That **Schedule 35 (Wheelchair Loading Zones)** of the said By-law is hereby amended by adding thereto the following items, namely:-

"Parkplaza	North 33 feet	151 feet east of Grand Oaks	Anytime
Thorner	South 30 feet	103 feet west of Deerborn	7:00 a.m. - 6:00 p.m. Monday to Saturday"

5. In all other respects, By-law 89-72 and all Schedules thereto, as amended, are hereby confirmed, unchanged.
6. This By-law shall come into force and take effect upon the date of its passing and enactment.

PASSED this 10th day of November 1998.

CITY CLERK

MAYOR

THE CITY OF HAMILTON

BY-LAW NO. 98-

TO AMEND BY-LAW NO. 98-110

RESPECTING:

THE CONSTRUCTION, MAINTENANCE, OPERATION, MANAGEMENT
AND REGULATION OF MUNICIPAL PARKING FACILITIES

WHEREAS Sub-section 56 of Section 207 of the Municipal Act, R.S.O. 1990, c. M.45, as amended, confers upon the councils of all municipalities the authority to acquire, establish, lay out and improve land, buildings, and structures where vehicles may be parked, and for erecting buildings or structures for, or in connection with, the parking of vehicles;

AND WHEREAS Sub-section 56 of Section 207 of the Municipal Act, as amended, further provides for the regulation, supervision and governing of the parking of vehicles on land so acquired, established, laid out and improved;

AND WHEREAS Paragraph (6) of Section 191 of the Municipal Act, as amended, confers upon the councils of every corporation the authority to pass by-laws providing for the use by the public of lands of which the corporation is the owner and for the regulation of such use and the protection of such lands;

AND WHEREAS the Council of the City of Hamilton, at its meeting held on the 14th day of April, A.D. 1998, did enact By-law No. 89-110, providing for the construction, maintenance, operation, management and regulation of municipal parking facilities;

AND WHEREAS the Council of the City of Hamilton deems it necessary and appropriate to amend By-law 89-110;

NOW THEREFORE The Council of the City of Hamilton enacts as follows:

1. That **Schedule 1** of By-law 89-110 is hereby amended by adding thereto the following items, namely:-

"58	1368 Barton Street East	\$ 0.50	\$ 0.25	NONE	\$ 31.50
5	140 King William Street	\$ 1.60	\$ 0.50	\$ 3.00	\$ 40.00"

and by deleting therefrom the following item, namely:-

"5	140 King William Street	\$ 1.60	\$ 0.50	\$ 2.00	\$ 40.00"
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2. In all other respects, By-law 98-110 and the Schedule attached thereto is hereby confirmed unchanged.

3. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED this 10th day of November, A.D. 1998

City Clerk

Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98-

To Authorize:

1. The construction as a local improvement a concrete sidewalk on the east side of Main Street West along the frontage of 1898 Main Street West, (as described in Schedule "A") upon the petition of the abutting owners pursuant to section 11 of The Local Improvement Act;
2. The imposition of a special assessment upon the lands of the abutting owners in respect of the abutting owners' portion of the cost of the works;
3. The preparation of plans, specifications and reports and the supervision of construction of the said works by the Commissioner of Public Works and Traffic.

WHEREAS a petition for the works hereinafter described to be constructed as local improvements has been lodged with the Clerk pursuant to sections 7 and 11 of the Local Improvement Act, R.S.O. 1990, c.L26;

AND WHEREAS at least two thirds of the owners directly abutting the proposed works, representing at least one-half of the value of the lots liable to be specially assessed, have signed and lodged the said petition with the Clerk for presentation to Council for the City to undertake the said works as local improvements;

AND WHEREAS the City Clerk has, as required by the Local Improvement Act, issued his certificate that the said petition sufficiently meets the minimum requirements of the Local Improvement Act;

AND WHEREAS when Council is presented with a sufficiently signed petition for a work, The Local Improvement Act provides that Council may pass a by-law to undertake the works as a local improvement;

AND WHEREAS the Council of The Corporation of the City of Hamilton did decide (in adopting Item 17 of the 10th Report of the Transport & Environment Committee on September 29, 1998) to authorize preparation of this by-law because it is expedient to undertake the works hereinafter described as local improvements pursuant to the petition received from the abutting owners;

AND WHEREAS the Council has obtained reports, estimates and statements required for the undertaking of the said works;

AND WHEREAS the Council of The Corporation of the City of Hamilton intends to raise the Corporation's portion of the cost of the works out of its current revenues and, pending payment in full by the abutting owners of the special assessment provided for below, to finance the abutting owners' portion of the costs by borrowing such funds, through the Region's issuance of debentures;

AND WHEREAS the Regional Municipalities Act, (R.S.O. 1990, c.R.8,sec.11) provides that "no area municipality has power to issue debentures", and that Regional Council may borrow money for the purposes of any area municipality;

AND WHEREAS the Ontario Municipal Board Act, (R.S.O.1990,c.O.28,sec.65), states that a municipality shall not authorize any work the cost of which is to be raised in a subsequent year or years until the approval of the Board has first been obtained.

AND WHEREAS the Local Improvement Act (sec.53(7)) states that the amount of monies borrowed to respect of the abutting owners' portion of the cost of the works "...shall not be deemed to be part of the existing debenture debt of the Corporation within the meaning of the provisions of the Municipal Act limiting the borrowing powers of the municipality";

AND WHEREAS Ontario Regulation 710/92 prescribed pursuant to the Municipal Act, (R.S.O.1990,c.M.45), establishes a limit for the City of Hamilton's debt obligations which do not require approval of the Ontario Municipal Board;

AND WHEREAS the financial commitments, liabilities and debts of the local improvements works listed herein, being financed by debentures to be issued by the Region on behalf of the City, together with the City of Hamilton's other financial obligations and debts, do not exceed the City's maximum permitted debt and financial obligation limit prescribed by Ontario Regulation 710/92 and therefore, approval of the Ontario Municipal Board to issuance of debentures by the Region hereinafter described is not required;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The construction of the following described works may be proceeded with under The Local Improvement Act, at an estimated cost not to exceed \$74,000.00.

The construction of a concrete sidewalk on the east side of Main Street West along the frontage of 1898 Main Street West at the cost not exceeding those set out below:

City's portion of the cost	\$38,259.00
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Owners' portion of the cost	<u>35,741.00</u>
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Total Estimated cost of the works	<u>\$74,000.00</u>
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Estimated Cost per metre frontage payable by the abutting owners in Fifteen (15) annual instalments	\$ 103.00
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2. The portion of the estimated costs of the said works in the amount of \$35,741.00 shall be borne by therein, by an equal special rate per metre of such frontage payable in annual instalments until fully paid.

3. Pending payment of the abutting owners' portion of the costs referred to in Section 2, the said portion shall be financed by the issue of debentures (subject to the terms listed below) by The Regional Municipality of Hamilton-Wentworth on behalf of the City of Hamilton;
 - (a) to the extent sufficient to provide an amount not exceeding \$35,741.00, and,
 - (b) repayable over a term not exceeding twenty (20) years, chargeable to The Corporation of the City of Hamilton.
4. The Commissioner of Public Works and Traffic is hereby authorized to:
 - (a) prepare all necessary plans, specifications and reports required for the construction of the works; and,
 - (b) supervise construction of the works.
5. The Mayor and City Clerk are hereby authorized to execute, on behalf of The Corporation of the City, all contracts necessary for the construction of the works.

PASSED this day of ,A.D. 1998.

CITY CLERK

MAYOR

(1998) 10 R.T.E.C.17, September 29

SCHEDULE "A"

The construction of a concrete sidewalk on the east side of Main Street West along the frontage of 1898 Main Street West at the costs not exceeding those set out below:

City's Share	\$38,259.00
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Owners' Share	<u>35,741.00</u>
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TOTAL ESTIMATED COST	<u>\$74,000.00</u>
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Estimated Cost per metre frontage	\$103.00
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Fifteen (15) annual instalments

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98-

**TO INCORPORATE CITY LAND
DESIGNATED AS PARTS 1 & 2, ON PLAN 62R-13829
INTO A PEDESTRIAN WALKWAY**

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it necessary to incorporate the land described below into a pedestrian walkway;

AND WHEREAS the said land is owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following land is hereby established to form part of a pedestrian walkway.

Part of the road allowance between Concessions 6 and 7, in the geographic Township of Barton, and Part of Block 'A' on Plan M-188, formerly part of the Common Elements on Wentworth Condominium Plan No. 79, designated as Parts 1 and 2, on Plan 62R-13829.

City of Hamilton

Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation or his duly authorized agent is hereby authorized to open the said land as a pedestrian walkway.
3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this 10th day of November A.D. 1998

City Clerk

Mayor

The Corporation of the City of Hamilton

BY-LAW NO. 98-

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT MUNICIPAL NO. 330 AND 342 DUNDURN STREET SOUTH

WHEREAS it is intended to establish special requirements under section 19B of By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "H" (Community Shopping and Commercial, etc.) District provisions, as contained in Section 14 of Zoning By-law No. 6593, applicable to the lands in Block "1", the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 14.(1)(i) of Zoning By-law No. 6593, the following uses shall be permitted:
 - (i) a senior citizens "lodging house" for the accommodation of a maximum of ninety (90) persons within three floors of the building; and,
 - (ii) a lodging room having bathroom facilities.

2. The "G-1" (Design Shopping Centre) District provisions, as contained in Section 13A of Zoning By-law No. 6593, applicable to the lands in Block "2", the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirement that,

- (a) notwithstanding Section 13.A(1) of Zoning By-law No. 6593, only parking accessory to the lodging house on Block "1" shall be permitted.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "H" and "G-1" District provisions, subject to the special requirements referred to in section 1 and 2.

4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1415.

5. Sheet No. W-24 of the District Maps is amended by marking the lands referred to in section 1 and 2 of this by-law, S-1415.

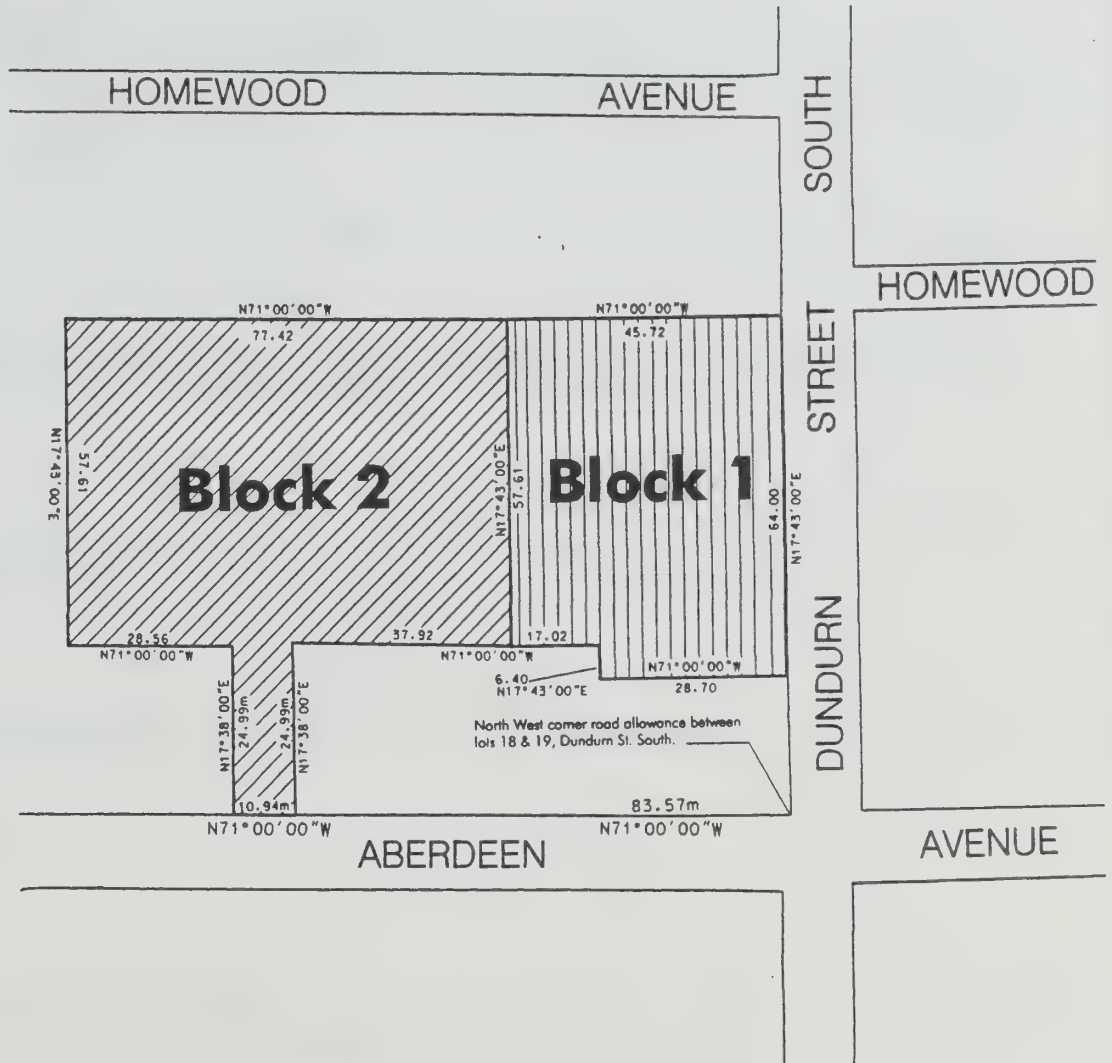
6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 10th day of November A.D. 1998

CITY CLERK

MAYOR

(1998) 18 R.P.D.C. 1, October 21
1242324 Ontario Inc., Dominic Occhionorelli, Owner
ZAR-98-33



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 98-.....
Passed the day of, 1998.

Clerk

Mayor

City of Hamilton

Schedule "A"

Map Forming Part of
By-Law No. 98-_____

to Amend By-Law No. 6593

Planning and Development Department

Legend



Block 1
Modification to the "H" (Community Shopping and Commercial, etc.) District



Block 2
Modification to the "G-1" (Designed Shopping Centre) District

North



Scale
NOT TO SCALE

Date
October, 1998

Reference File No.

ZAC-98-33

Drawn By

J.Sims

The Corporation of the City of Hamilton

BY-LAW NO. 98-

To Amend:

Zoning By-law No. 6593

Respecting:

**LANDS LOCATED ON THE WEST SIDE (BAY SIDE)
OF BEACH BOULEVARD, IN THE BEACH NEIGHBOURHOOD**

WHEREAS it is intended to establish special requirements under section 19B of By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "C" (Urban Protected Residential, etc.) District, the "G" (Neighbourhood Shopping Centre, etc.) District, and the "H" (Community Shopping and Commercial, etc.) District provisions, as contained in Sections 9, 13 and 14, respectively, of Zoning By-law No. 6593, applicable to the lands, the extent and boundaries of which are shown on plans hereto annexed as Schedules "A-1", "A-2" and "A-3" are amended to the extent only of the special requirements that,

- (a) notwithstanding the provisions of the Zoning By-law No. 6593, the minimum ground floor elevation of any building or any building addition shall be 76.0 metres above mean sea level, as defined by the Geodetic Survey Datum, except for any building addition less than 14 square metres in area and accessory building or structure; and,
- (b) no basement or cellar shall be permitted for any building, except for any building addition less than 14 square metres in area and accessory building or structure; and,
- (c) any addition, less than 14 square metres in area, shall have a minimum ground floor elevation at or above the existing ground floor elevation of the building; and,
- (d) prior to the issuance of a building permit for every new building, a Lot Grading Agreement with the City of Hamilton shall be entered into and registered on title to the satisfaction of the Building Commissioner, except for developments that require approval under the Site Plan Control By-law 79-275, as amended.

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "C", "G" and "H" Districts provisions, subject to the special requirements referred to in section 1.

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1414.

4. Sheets No. E-80b, E-80c, E-80d, E-80e and E-80f of the District Maps are amended by marking the lands referred to in section 1 of this by-law, S-1414.

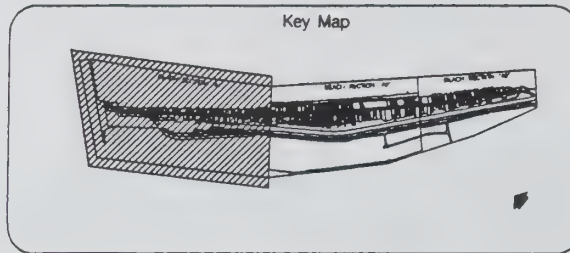
5. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 10th day of November A.D. 1998

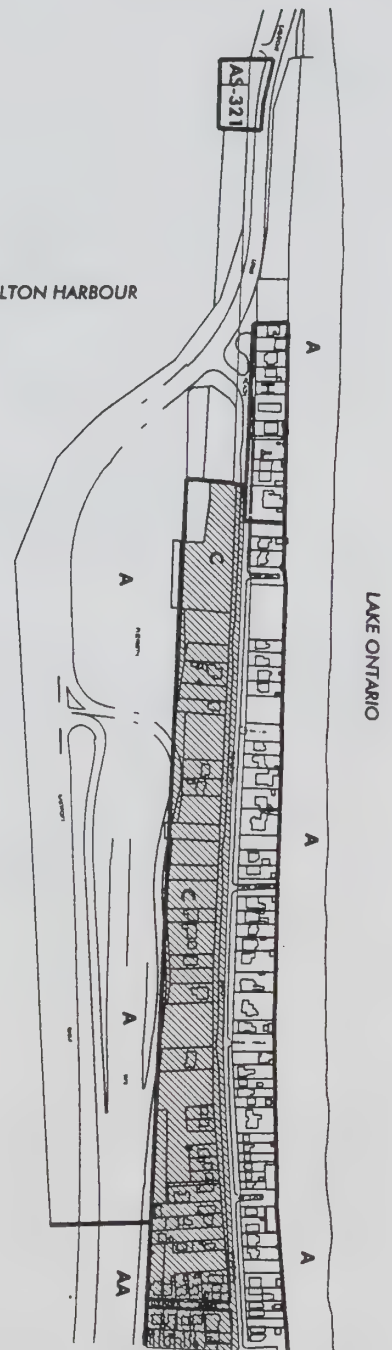
CITY CLERK

MAYOR

(1998) 15 R.P.D.C. 3, September 29
City Initiative 98-D



HAMILTON HARBOUR



NOTE: All dimensions are in metres

This is Schedule "A-1" to By-Law No. 98-.....
Passed the day of, 1998.

Clerk

Mayor

City of Hamilton

Schedule "A-1"

(3 Sheets)

Map Forming Part of
By-Law No. 98-_____

Planning and Development Department

Legend



Modification to the "C" (Urban
Protected Residential etc.)
District regulations

North

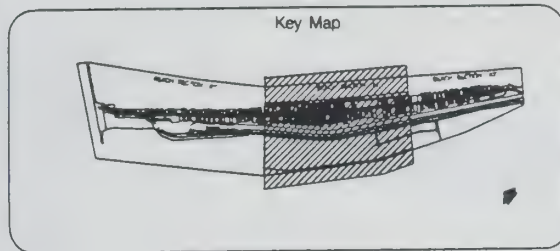


Scale
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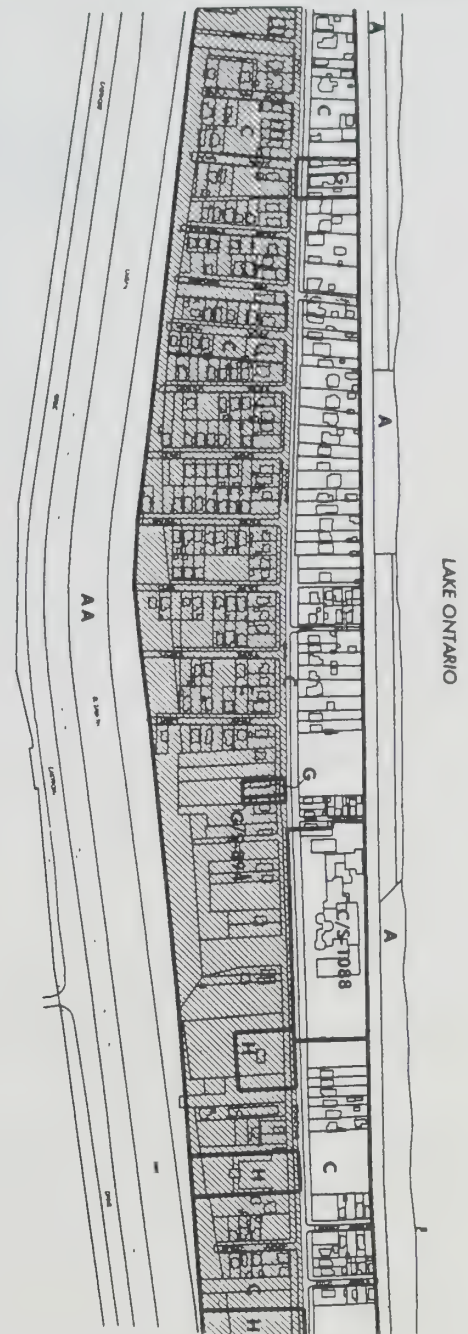
Date
October, 1998

Reference File No.
CI-98-D

Drawn By
J.Sims



HAMILTON HARBOUR



NOTE: All dimensions are in metres

This is Schedule "A-2" to By-Law No. 98-.....
Passed the day of, 1998.

Clerk

Mayor

City of Hamilton

Schedule "A-2"

(3 Sheets)

Map Forming Part of
By-Law No. 98-____

Planning and Development Department

Legend



Modification to the "C" (Urban Protected Residential etc.) District, the "G" (Neighbourhood Shopping Centre) District, and the "H" (Community Shopping and Commerical, etc.) District regulations.

North



Scale
NOT TO SCALE

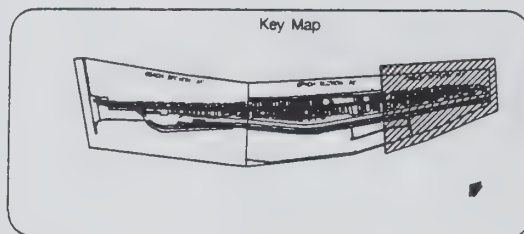
Date
October, 1998

Reference File No.

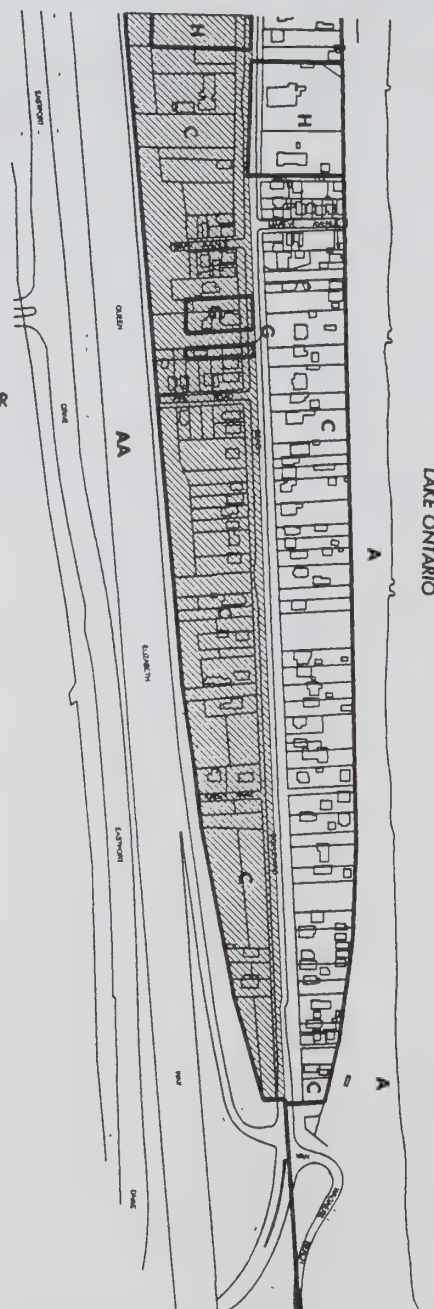
CI-98-D

Drawn By

J.Sims



HAMILTON HARBOUR



NOTE: All dimensions are in metres

This is Schedule "A-3" to By-Law No. 98-.....
Passed the day of, 1998.

Clerk

Mayor

City of Hamilton

Schedule "A-3"

(3 Sheets)

Map Forming Part of
By-Law No. 98-_____

Planning and Development Department

Legend



Modification to the "C" (Urban Protected Residential etc.) District, the "G" (Neighbourhood Shopping Centre) District, and the "H" (Community Shopping and Commercial, etc.) District regulations.

North



Scale
NOT TO SCALE

Date
September 1998

Reference File No.
CI-98-D

Drawn By
J.Sims

The Corporation of the City of Hamilton

BY-LAW NO. 98-

To Establish:

Site Plan Control

Respecting:

LANDS LOCATED ON THE WEST (BAY) SIDE OF BEACH BOULEVARD

WHEREAS By-law No. 79-275, passed on the 25th day of September 1979, under Section 35a of the Planning Act, as re-enacted by the Planning Amendment Act, 1979, S.O. 1979, Chapter 59, Section 1, [now Section 41 of the Planning Act, R.S.O. 1990, c. P. 13], as amended by By-law No. 87-223, passed on the 28th day of July 1987, established site plan control in various parts of the City of Hamilton as of November 1, 1979;

AND WHEREAS it is desirable to amend By-law No. 79-275 to establish site plan control on the land hereinafter referred to.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

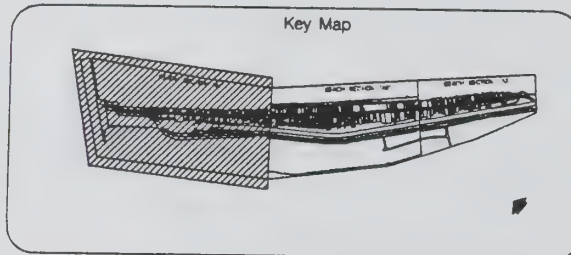
1. Schedule "B" to By-law No. 79-275 is amended by adding the following thereto:

177 Land located on the west (bay) side of Beach Boulevard, shown on Appendix 177 hereto annexed and forming part of this by-law.
2. Appendix 177 to By-law No. 79-275 is hereto annexed as Schedules "A-1", "A-2" and "A-3" and form part of this by-law, and By-law No. 79-275, as amended.

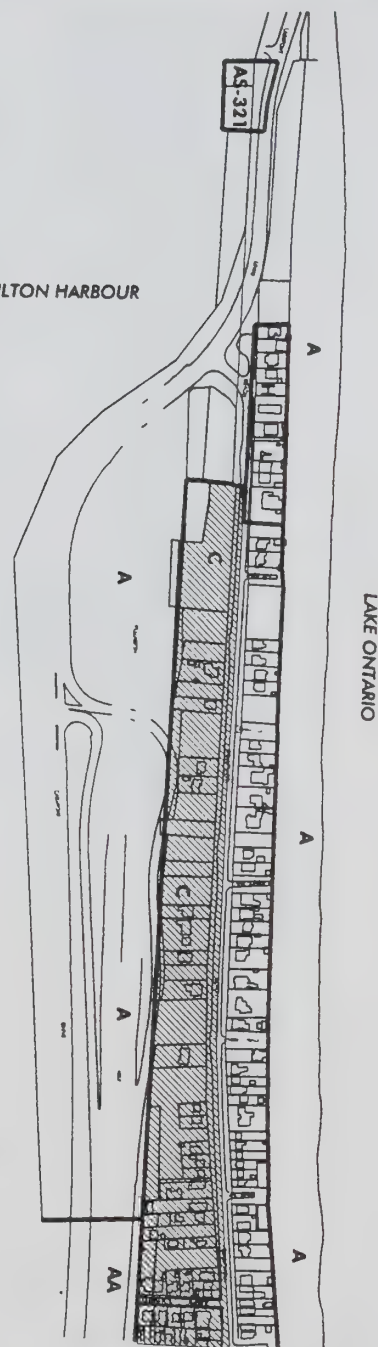
PASSED this 10th day of November A.D. 1998

CITY CLERK

MAYOR



HAMILTON HARBOUR



NOTE: All dimensions are in metres

This is Schedule "A-1" to By-Law No. 98-.....
Passed the day of, 1998.

Clerk

Mayor

City of Hamilton

Appendix 177

(3 Sheets)
to the By-Law No. 79-275
as Amended by By-Law No. 87-223

Planning and Development Department

Legend



Lands designated under this By-Law
as an area of Site Plan Control
pursuant to section 41 of the
Planning Act, R. S. O. 1990.

North

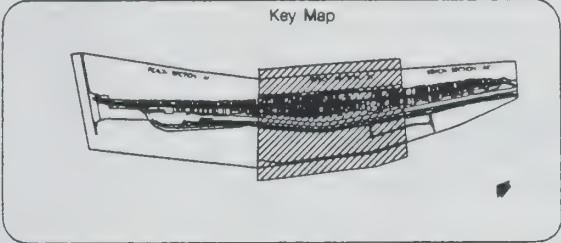


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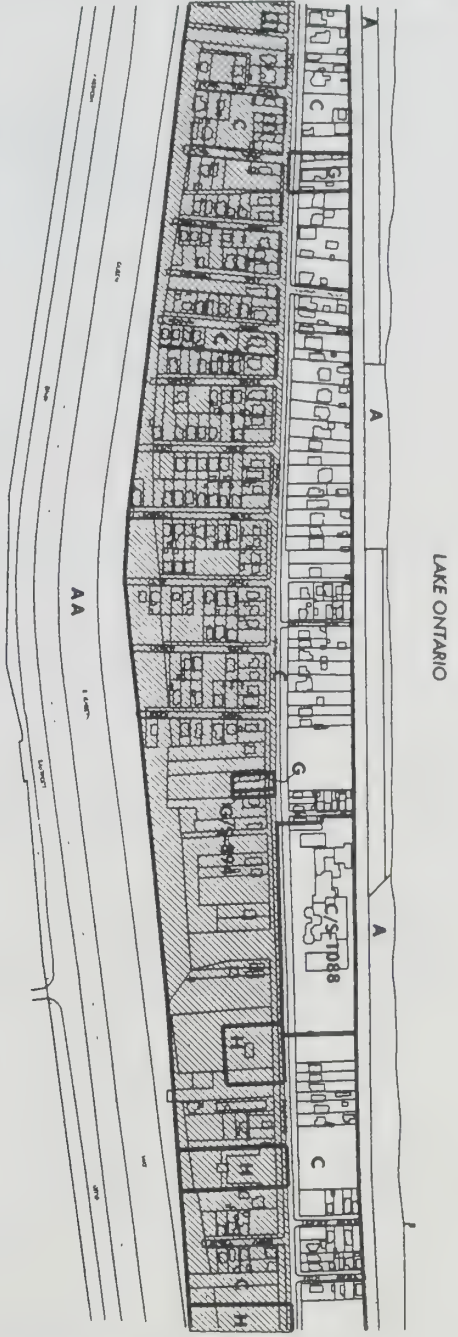
Date
September 1998

Reference File No.
CI-98-D

Drawn By
J.Sims



HAMILTON HARBOUR



NOTE: All dimensions are in metres

This is Schedule "A-2" to By-Law No. 98-.....
Passed the day of , 1998.

Clerk

Mayor

City of Hamilton

Appendix 177

(3 Sheets)
to the By-Law No. 79-275
as Amended by By-Law No. 87-223

Planning and Development Department

Legend



Lands designated under this By-Law
as an area of Site Plan Control
pursuant to section 41 of the
Planning Act, R. S. O. 1990.

North

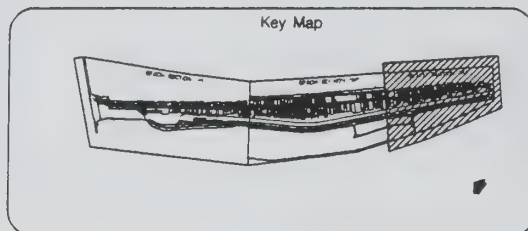


Scale
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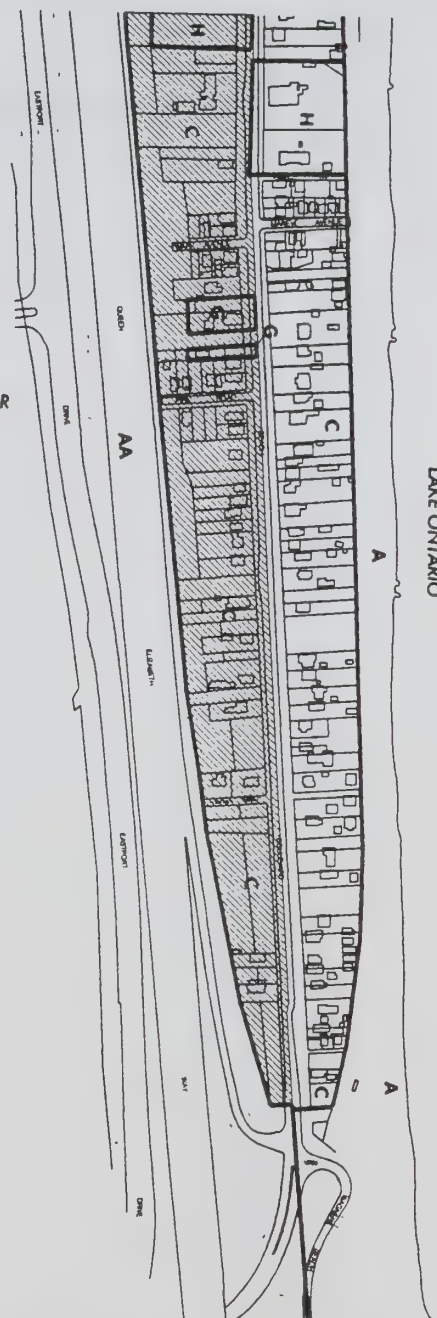
Date
September 1998

Reference File No.
CI-98-D

Drawn By
J.Sims



HAMILTON HARBOUR



NOTE: All dimensions are in metres

This is Schedule "A-3" to By-Law No. 98-.....
Passed the day of, 1998.

Clerk

Mayor

City of Hamilton

Appendix 177

(3 Sheets)
to the By-Law No. 79-275
as Amended by By-Law No. 87-223

Planning and Development Department

Legend



Lands designated under this By-Law
as an area of Site Plan Control
pursuant to section 41 of the
Planning Act, R. S. O. 1990.

North



Scale
NOT TO SCALE

Date
September 1998

Reference File No.
CI-98-D

Drawn By
J.Sims

The Corporation of the City of Hamilton

BY-LAW NO. 98-

To Adopt:

Official Plan Amendment No. 155

Respecting:

NOTIFICATION AND PUBLIC PARTICIPATION PROCEDURES

The Council of The Corporation of the City of Hamilton enacts as follows:

1. Amendment No. 155 to the Official Plan of the Hamilton Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.
2. It is hereby authorized and directed that such approval of the Official Plan Amendment referred to in section 1 above, as may be requisite, be obtained and for the doing of all things for the purpose thereof.

PASSED this 10th day of November A.D. 1998

CITY CLERK

MAYOR

1998 19. R.P.D.C (2a)
OPA 155

Amendment No. 155

to the

City of Hamilton Official Plan

The following text, attached hereto, constitutes Official Plan Amendment No. 155.

Purpose:

The purpose of this Amendment is to reflect recent changes to the Planning Act Legislation respecting public notification procedures.

Basis:

The basis for the Amendment is to bring the Official Plan into conformity with the Planning Act

Actual Changes:

Subsection D.9 – Notification and Public Participation Procedure is amended by deleting Policies D.9.1 ii) and iii) and replacing them with the following new policies:

- i) Subsection D.9 – Notification and Public Participation Procedures is amended by deleting Policies D.9.1 ii) and iii) and replacing them with the following new policies:
 - “D.9.1 ii) Notification of public meeting(s) for the adoption of the Official Plan and Amendments, changes to the Zoning By-law, Plans of Subdivision and Community Improvement Plans will be given to the public at least 17 days prior to the date of the meeting (s) and the notice will be given in accordance with the applicable requirements of the Planning Act regulations.
 - D.9.1. iii) Council decisions will take place a minimum of 17 days from the time the first notification is given, for Planning Act applications/procedures identified in Policy D.9.1. ii).

- D.9.1 iv) Where a notice of public meeting or written notice of an application is required for Planning Act application, other than those identified in Policy D.9.2.ii), notice will be given in accordance with the applicable requirements of the Planning Act
- D.9.1. vi) Notice of the intention of the passing of an amending by-law to remove a holding symbol will be given in accordance with the applicable requirements of the Planning Act.
- D.9.1.v) Notice of the passing of an Interim Control By-law will be given in accordance with the applicable requirements of the Planning Act."

Implementation:

The provisions of Section D – Implementation of the Official Plan will apply to this Amendment.

This is Schedule "1" to By-law No. 98- , passed on the 10th day of November, 1998.

**The Corporation of the
City of Hamilton**

City Clerk

Mayor

The Corporation of the City of Hamilton

BY-LAW NO. 98-

To Amend:

By-law No. 97-084

Respecting:

TARIFF OF PLANNING FEES

WHEREAS Section 69 of the Planning Act, R.S.O. 1990, Chapter P.13 requires the Council of the Corporation of the City of Hamilton to prescribe a tariff of fees by by-law;

AND WHEREAS By-law No. 97-084 which established a Tariff of Planning Fees was enacted on April 29, 1997;

AND WHEREAS the Council of The Corporation of the City of Hamilton, on November 10, 1998, in adopting Section 5 of the 19th Report of the Planning and Development Committee, authorized an amendment to By-law No. 97-084;

AND WHEREAS Section 220 of the Municipal Act authorizes municipalities to enact by-laws to impose fees on any class of person for services or activities provided on behalf of, or done by, the municipality;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. Subsections (1), (2) and (3) of Section 1 of By-law No. 97-084 are repealed and replaced by the following:

The amount of the fee for each application referred to below shall be as follows:

- (1) Application to Council by any person to initiate an amendment to the Official Plan under Section 17
 - (i) Phase 1 - Services up to the City Council Report \$1,500.00
 - (ii) Phase 2 - Services subsequent to the Council resolution approving the application \$ 800.00
- (2) Application to Council by any person to initiate a Zoning By-law under Section 34 (1) of the Planning Act
 - (i) A routine application \$1,200.00
 - (ii) A complex application
 - (a) Phase 1 - Services up to the City Council Report \$1,500.00
 - (b) Phase 2 - Services subsequent to the Council Resolution approving the application \$ 800.00

- (3) Application by any person to initiate an application for the purpose of,

- (i) site plan control under Section 41 \$1,500.00
- (ii) revision to site plan control under
Section 41 \$ 550.00
- (iii) preliminary preview of a site plan \$ 550.00
- (iv) processing a request for site plan approval
exemption \$ 150.00

2. This by-law comes into force on the date of its passage.

PASSED this 10th day of November, 1998.

CITY CLERK

MAYOR

THE CORPORATION OF THE CITY OF HAMILTON
BY-LAW NO.98-
TO AUTHORIZE AN EXTENSION AGREEMENT
FOR PAYMENT OF REALTY TAX ARREARS

WHEREAS the Municipal Tax Sales Act, R.S.O. 1990, c.M.60, (hereinafter referred to as the "Act"), states that the Council of a municipality may, by by-law, authorize an Extension Agreement with the owner of land in arrears of realty taxes in excess of three (3) years after the registration of a Tax Arrears Certificate and before the expiry of the one year redemption period;

AND WHEREAS the Municipal Tax Sales Act (section 8) states that the said Extension Agreement may extend the period of time, upon the terms specified therein, within which the Cancellation Price is to be paid;

AND WHEREAS, pursuant to the Municipal Tax Sales Act, the Treasurer did register a Tax Arrears Certificate indicating arrears of realty taxes in excess of three (3) years on the lands described in Schedule "A" annexed hereto,

AND WHEREAS, the said land is recorded by The Corporation of the City of Hamilton under the specific Tax Roll Serial Nos. indicated in Schedule "A" annexed hereto.

AND WHEREAS, The Owners of the lands described in Schedule "A" have requested that the City exercise its discretion to pass a bylaw to authorize an Extension Agreement to extend the period of time in which the Cancellation Price may be paid.

AND WHEREAS the one year period within which this by-law may be enacted will therefore expire on the days described as the redemption date of Schedule "A" attached hereto.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. (a) The time open for acceptance and the permitted payments of the Cancellation Price beyond the expiry of the said one year redemption period as set out in Schedule "A" are hereby authorized to be extended pursuant to an Extension Agreement.

(b) The owner of the land described in Schedule "A" may, on or before the redemption date, enter into the Extension Agreement with The Corporation of the City of Hamilton, and the Mayor and City Clerk are hereby authorized to execute the Extension Agreement on behalf of the City.
2. As provided in the Municipal Tax Sales Act, notwithstanding any other provision of this Extension Agreement, it is understood and agreed that while the Extension Agreement remains a subsisting agreement in good standing:

- (a) that the Extension Agreement does not reduce the amount of the Cancellation Price.
 - (b) that the Extension Agreement does not prohibit any person from paying the Cancellation Price at any time.
 - (c) that any person may pay the Cancellation Price at any time.
 - (d) that the Extension Agreement terminates upon payment of the Cancellation Price by any person.
 - (e) that the Extension Agreement shall cease to be considered a subsisting Extension Agreement for purposes of section 9(2) of the Act, when and under what conditions set out in the Extension Agreement.
3. As also provided in the Municipal Tax Sales Act,
- (a) while such Extension Agreement is in good standing, the period of such time shall not be counted in calculating the time within which the Cancellation Price may be paid.
 - (b) upon default by owner in complying with the Extension Agreement or any term thereof, the Extension Agreement shall cease and, (unless there remains time within which the Cancellation Price may be paid and is paid), the land shall be offered for sale by the Treasurer.

PASSED this 10th day of November 1998, A.D.,

CITY CLERK

MAYOR

SCHEDULE "A"
EXTENSION AGREEMENTS

- | | | |
|----|--|---|
| 1) | PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE | 298 Hughson N.
02 01555 0730
September 29, 1999 |
| 2) | PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE | 4 Manning
07 08830 6900
July 27, 1999 |
| 3) | PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE | 26 Duncairn
08 09730 0200
July 27, 1999 |

BY-LAW NO. 98 -

CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 10th DAY OF NOVEMBER, 1998.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 10th day of November 1998

CITY CLERK

MAYOR

CAY ON HBL A05

A31

1998

**URBAN
MUNICIPAL**



URBAN MUNICIPAL

NOV 23 1998

GOVERNMENT DOCUMENTS

1998 November 19

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

Tuesday, 1998 November 24

7:30 o'clock p.m.

Albion Room A, B & C

Hamilton Convention Centre

*The Urban/Municipal Collection
2nd Floor
Hamilton Public Library
+ Bill*

**J. J. Schatz
Municipal Clerk**

AGENDA

- 1. National Anthem.**
- 2. Opening Prayer : Father Ron Synnott, St. Eugene's Parish.**
- * Nominating Committee: To appoint Citizen Members to Committees and to Appoint a Chairman of the Committee of the Whole.**
- 3. Adoption of the minutes of the meeting held 1998 November 10.**
- 4. Correspondence.**
- 5. Reports of the Standing Committees:**
 - (c) Planning and Development Committee**
 - (d) Finance and Administration Committee**
 - (e) Nominating Committee**
- 6. Notices of Motion for next meeting.**
- 7. Appointment of an Acting Mayor for the month of December 1998.**
- 8. Question Period.**
- 9. Adjournment.**



MINUTES

Minutes of Hamilton City Council
Tuesday, November 10, 1998
7:30 o'clock p.m.
Webster Rooms A, B & C
Hamilton Convention Centre

The Council met:

There were present: Mayor Morrow, Chairman; Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Copps, Collins, Eisenberger, Jackson, Charters, Anderson, Kelly, D'Amico, O'Sullivan

Mayor Morrow called the meeting to order.

The National Anthem was played.

Rabbi Bernard Baskin, Anshe Sholom Temple, led Council in prayer.

<p>PRESENTATIONS</p>

Mayor Morrow presented certificates to the following local peace keepers:

R.H.L.I. WENTWORTH REGIMENT

Lieutenant Colonel W. Kedziora
Sergeant Peter Minkenberg
Master Corporal Conor Brennan
Master Corporal Robert Coates

ARGYLL & SUTHERLAND HIGHLANDERS

Lieutenant Colonel R.D. Kennedy
Master Corporal William Legere
Corporal David Winstanley
Corporal Drew Battersby
Corporal Scott Atkinson
Corporal Christopher Sogan

11th FIELD BATTERY DETACHMENT

Lieutenant Colonel W. M. Shiplo, Commanding Officer
Corporal Bradley Rosekat

705 COMMUNICATIONS SQUADRON

Lieutenant Colonel R.F. Bialacholwski, Commanding Officer

HMCS STAR

Lieutenant Commander P.W. Duynstee

23RD SERVICE BATTALION

Lieutenant Colonel V.R. Paddon
Master Corporal R.G. Paddon
Master Corporal E.W. Sculthorpe
Corporal E.V. McGeorge
Corporal J.R. Peters

23rd MEDICAL CO.

Lieutenant Colonel S.E. Birch, Commanding Officer
Master Corporal Raymond Lux
Corporal John Fairweather

Mayor Morrow presented certificates of recognition to two Citizens Committees: the Stinson and Corktown Neighborhood Plan Advisory Committees.

STINSON COMMITTEE

Jordan Abraham; Lois Brown; Lisa Browett; Joanne Cairns; Helen Cozzarin;
Lou Cozzarin; Lauch Harrison; Cheryl Harvey; Brenda Mitchell; Mina Morski;
Helaine Ortmann; Mary Schneider; Dave Staples; Stella Woock.

CORKTOWN COMMITTEE

Robert Charko; Hal Costie; Peggy Costie; Barb Cummings; Cecilia Findlay; Eyvonne Findlay; Hugh Greenwood; Mike Jerratt; Scott Maltman; Janet McNaught; Lynn Mitges; Michael Peebles; Marg Randall; Frank Salvatori; Doris Skorpido

ADOPTION OF MINUTES

The following minutes were adopted as circulated:

- (a) 1998 October 27 (special meeting)
- (b) 1998 October 27 (regular meeting)
- (c) 1998 November 3 (special meeting)

CORRESPONDENCE

1. Petition signed by Concession Street B.I.A. businesses respecting free on-street parking policy.

Received.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, and the Finance and Administration Committee, be now considered in Committee of the Whole with Alderman O'Sullivan in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Copps, Collins, Eisenberger, Jackson, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -17.

NAYS: -0.

CARRIED.

* * * * *

TRANSPORT AND ENVIRONMENT COMMITTEE – THIRTEENTH REPORT

Section 26 Re: Free On-Street Parking in Downtown Core

It was moved by Alderman Kelly and seconded by Alderman Anderson that Section 26 of the Thirteenth Report of the Transport and Environment Committee for 1998 be amended by adding the following to Sub-section (a) following the word "Jackson" in the second line:

"and all B.I.A.'s in the City of Hamilton"

and further that the estimated lost revenues be amended from "\$61,000" to "\$102,000"

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Morelli, Haining, Anderson, Kelly. -6.

NAYS: Aldermen Caplan, Horwath, Corsini, Wilson, Copps, Collins, Eisenberger, Jackson, Charters, D'Amico, O'Sullivan. -11. **LOST.**

PARKS AND RECREATION COMMITTEE – ELEVENTH REPORT

Section 10 Re: Licence Agreements, Hamilton Tennis Club and Rosedale Tennis Club

Recorded vote.

YEAS: Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Collins, Jackson, Anderson, D'Amico, O'Sullivan. -11.

NAYS: Aldermen Wilson, Copps, Charters, Kelly. -4. **CARRIED.**

* * * * *

Section 13 Re: Hamilton Civic Golf Courses/Ski Hill Food and Beverage Services

Recorded vote:

YEAS: Mayor Morrow, Aldermen Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Copps, Collins, Eisenberger, Jackson, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -16.

NAYS: Alderman Kiss. -1. **CARRIED.**

PLANNING AND DEVELOPMENT COMMITTEE – NINETEENTH REPORT

Section 1 Re: Official Plan Amendment re Parking at 190 Gage Avenue South

It was moved by Alderman Haining and seconded by Alderman Morelli that Section 1 of the Nineteenth Report of the Planning and Development Committee for 1998 be referred back.

CARRIED.

* * * * *

Section 10 Re: Lloyd D. Jackson Square Approval Leasehold Mortgage

Alderman D'Amico declared an interest in this matter as he is an employee of one of the parties involved and took no part in the discussion nor voted on this matter.

FINANCE AND ADMINISTRATION COMMITTEE – TWENTY-FIRST REPORT

Section 3 Re: People's Resolution for a United Canada Proposed by Team Canada for Unity

It was moved by Alderman Jackson and seconded by Alderman Charters that Section 3 of the Twenty-first Report of the Finance and Administration Committee for 1998 be tabled until after the Quebec election.

CARRIED.

* * * * *

Section 6 Re: Lease at 50A Jackson Street West with Hamilton Public Library

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Collins, Eisenberger, Jackson, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -16.

NAYS: Alderman Copps. -1.

CARRIED.

* * * * *

Rule No. 9 Re: Resolution re Location of Federal Correctional Facility in Downtown Hamilton

It was moved by Alderman Horwath and seconded by Alderman Corsini that Rule No. 9 of the Procedural By-law be invoked for this meeting of City Council in order to permit consideration of a resolution respecting locating a Federal Correction Facility in Downtown Hamilton.

CARRIED.

Resolution Re: Location of Federal Correctional Facility in Downtown Hamilton

It was moved by Alderman Horwath and seconded by Alderman Corsini that the following resolution be adopted:

Whereas the Correctional Service of Canada has identified a permanent location for a Hamilton Community Correctional Centre at 126 Main Street East;

And whereas this site is in a high density downtown neighbourhood which is already oversaturated with facilities of a similar nature and is in imminent danger of losing its residential character;

And whereas the location of this facility in this neighbourhood is being opposed by Hamilton's business community as it is detrimental to downtown revitalization;

And whereas the building of a facility on this site will result in a total of 63 offender beds within 7 blocks of each other;

And whereas the site selection process for this facility was seriously flawed as there was no attempt to undertake an active search for land which may be suitable for such a facility, relying solely on an Call for Expressions of Interest, thereby severely restricting its options;

And whereas the Federal government, has the power to reject the recommendations of their Site Selection Committee;

Therefore be it resolved that the Council of the City of Hamilton request the Honourable Andy Scott, Solicitor General of Canada to instruct the Correctional Services of Canada to amend its site selection process, reinstate the Site Selection Committee and direct another search to commence,

And therefore be it further resolved that the Council of the City of Hamilton call on the support of our local Member of Parliament, Stan Keyes, to lend his assistance to the City of Hamilton by supporting this resolution and intervening with the Honourable Solicitor General on our behalf and on behalf of our citizens and business community. **CARRIED.**

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, and the Finance and Administration Committee, be adopted. **CARRIED.**

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Copps, Collins, Eisenberger, Jackson, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -17.

NAYS: -0. **CARRIED.**

* * * * *

City Council then adjourned at 9:40 o'clock p.m.

* * * * *

Taken as read and approved.

**MAYOR R. M. MORROW
CHAIRMAN**

**J. J. Schatz
Municipal Clerk
1998 November 10
/bc**

CORRESPONDENCE

Correspondence:

1. Letter dated 1998 November 16 from the Hamilton Harbour Commissioners Re: 1997 Annual Report. (previously distributed)

Recommendation: Be Received.

2. Application dated 1998 November 17 from Coopers and Lybrand Limited, Trustee of the Estate of Winfried Daniel Wiens for a modification to the "JJ" (Restricted Light Industrial) District to legalize the existing uses (Rental, Sales, Servicing and Storage of Construction and Industrial Equipment) for 2701 Barton Street East, Hamilton, Ontario.

Recommendation: Be Received.

3. Information Report dated 1998 November 16 from J. J. Schatz, Municipal Clerk respecting an objection to Zoning By-law 98-263 Re: 649 Upper James Street, Hamilton, Ontario (previously distributed)

Recommendation: Be Received.

PLANNING AND DEVELOPMENT COMMITTEE

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **TWENTIETH** Report for 1998 and respectfully recommends:

- 1.A. (a) That approval be given to Subdivision Application 98-04, (Regional File No. 25T-98010), Alfred Massi and Emidio Massi, owners to establish a draft plan of subdivision "Cornerstone Estates", on lands located south of Stone Church Road West and west of West Fifth Street in the Sheldon Neighbourhood, as shown on the attached map marked as Appendix "A", subject to the following conditions:
- (i) That this approval apply to the plan prepared by Urbex Engineering Limited and certified by Bryon Jacobs, O.L.S., dated August 20, 1998, as revised in red, showing 27 lots for single detached dwellings, 5 blocks to be developed with the abutting lands for single detached dwellings, 1 block for townhouse dwellings, 1 block for road widening purposes, 2 blocks for 0.30 m reserves, and two streets identified as Street "A" and Court "B", attached as Appendix "B"; and,
 - (ii) That Street "A" and Court "B" be named to the satisfaction of the City of Hamilton and the Region of Hamilton-Wentworth; and,
 - (iii) That the owner prepare and submit, to the satisfaction of the Director of Planning and Development a municipal street numbering plan; and,
 - (iv) That the owner shall erect a sign in accordance with Section XI of the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton; and,
 - (v) That the final plan conform with the Zoning By-law approved under the Planning Act; and,
 - (vi) That the owner provide the City of Hamilton with a certified list showing the net lot area and width of each lot and block and the gross area of the subdivision in the final plan; and,
 - (vii) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton as provided for under Section 51 of the Planning Act; and,
 - (viii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority; and,

- (ix) That the Owner agree to include the following warning clause to be registered on title of all Lots and Blocks within the plan of subdivision, and the owner shall ensure that the warning clause is included in all offers of purchase and sale and reservation agreements to the satisfaction of the Director of Planning and Development and the City Solicitor; and,
- (x) That the final plan be revised to provide for 9m radius transitions into and out of the cul-de-sac bulb on Court "B" to the satisfaction of the Commissioner, Regional Transportation Department; and,
- (xi) That the Owner prepare and implement a tree preservation/restoration plan to the satisfaction of the City Horticulturist, Department of Public Works and Traffic; and,
- (xii) That the Owner be responsible for all costs associated with the removal and/or replacement of any trees within the adjacent road allowance as determined by the City Horticulturist, Department of Public Works and Traffic; and,
- (xiii) That the final plan be revised such that the east-west section adjacent to Lots 10, 11 and 12 must align centreline-to-centreline with Pantano Drive on Registered Plan 62M-827 to the satisfaction of the Manager, Development Division, Regional Environment Department and the Director, Programme and Maintenance Division, Regional Transportation Department; and,
- (xiv) That the final plan be revised to provide for a 0.30 m reserve at the westerly limits of Court "B" to the satisfaction of the Manager, Development Division, Regional Environment Department and the Director, Programme and Maintenance Division, Regional Transportation Department; and,
- (xv) That the applicant prepare and implement an erosion and sediment control plan for the subject property to the satisfaction of the Manager, Development Division, Regional Environment Department and the Hamilton Region Conservation Authority. The approved plan is to include the following:
 - (1) All erosion and sediment control measures shall be installed prior to development and maintained throughout the construction process, until all disturbed areas have been revegetated; and,
 - (2) All erosion and sediment control measures shall be inspected after each rainfall, or alternatively every 14 days, to the satisfaction of the Manager, Development Division, Regional Environment Department and the Hamilton Region Conservation Authority; and,

- (3) Any disturbed area not scheduled for further construction within 45 days shall be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular Phase of construction; and,
- (4) All disturbed areas shall be revegetated with permanent cover immediately following completion of construction; and,
- (xvi) That the Owner prepare and implement a stormwater management plan for the subject property to the satisfaction of the Manager, Development Division, Regional Environment Department and the Hamilton Region Conservation Authority. The approved plan shall address stormwater quality and quantity issues and will ensure that current Provincial drainage and stormwater quality guidelines are implemented; and,
- (xvii) That the Owner agree in writing that Blocks 28, 30, 32, 33 and 34 are to be developed in conjunction with the abutting lands; and,
- (xviii) That the Owner dedicate Blocks 35 and 36, being 0.30 m reserves, to the Region of Hamilton-Wentworth; and,
- (xix) That the Owner enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of the subject lands; and,
- (xx) That the Owner agree in writing to satisfy all requirements, financial and otherwise of the City of Hamilton; and,
- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (SA-98-04/25T-98010), "Cornerstone Estates", proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,
- (c) That the City Clerk be directed to advise the Director, Development Division, Regional Environment Department of Council's decision; and,

B. That approval be given to Amended Zoning Application 98-34, Alfred Massi and Emidio Massi, owners for changes in zoning from the established "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District (Block "1"), from "AA" (Agricultural) District to "R-4" (Small Lot Single Family) District (Block "2") and from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "3") for lands located south of Stone Church Road West and west of West Fifth Street in the Sheldon Neighbourhood, as shown on the attached map marked as Appendix "A", on the following basis:

- (a) That Block "1" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District; and,

- (b) That Block "2" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single Family) District; and,
- (c) That Block "3" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,
- (d) That the Director of Planning and Development be authorized to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map W-9C for presentation to City Council; and,
- (e) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

2. That approval be given to Zoning Application ZAC-98-35, Sunoco, owner, for a further modification to the "HH" (Restricted Community Shopping and Commercial, etc.) District regulations, to permit a convenience store and Country Style Drive Thru (Donuts), in conjunction with the existing service station, on lands located at 615 Mohawk Road West, as shown on the attached map marked as Appendix "C", subject to the following:

- (a) That the "HH" (Restricted Community Shopping and Commercial, etc.) District regulations, as contained in Section 14A of By-law No. 6593, as amended by By-law No. 85-1, applicable to the subject lands, be further modified to include the following variances as special provisions:
 - (i) That Section 2.(a)(i) of By-law No. 85-01 be deleted and replaced with the following:
 - “(i) **COMMERCIAL USES** shall be prohibited except for:
 - (a) a self-serve gas station and repair garage;
 - (b) a convenience store with a drive-thru donut restaurant having a total maximum gross floor area of 156 m², and only as an accessory use to the self-serve gas station and repair garage;
 - (ii) a minimum of five (5) unobstructed vehicle stacked parking spaces within the access driveway to the drive-thru donut restaurant shall be provided and maintained between the entrance to the drive-thru donut restaurant and the menu board;”
 - (b) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Section S-801a, and the subject lands on Zoning District Map W-27 be notated S-801a; and,
 - (c) That the City Solicitor be directed to prepare a By-law to amend zoning By-law No. 6593 and Zoning District Map W-27, for presentation to City Council; and,

- (d) The proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
3. That approval be given to Zoning Application 98-37, Francesco Agostino, prospective owner, for a change in zoning from "G-3" (Public Parking Lots) District to "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District modified to permit three (3) single family dwellings on the property located at 11 Cheever Street, as shown on the attached map marked as Appendix "D", subject to the following:
- (a) That the subject lands be rezoned from "G-3" (Public Parking Lots) District to "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District; and,
 - (b) The "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District regulations, as contained in Section 10 of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variances as special provisions:
 - (i) That notwithstanding Section 10. (4) (i), for a single family dwelling a width of at least 7.79 m (25.56') and an area of at least 235.60 m² (2,536.0 S.F.) shall be provided and maintained; and,
 - (ii) That notwithstanding Section 18A. (7b), the finished level of the garage floor shall be a minimum of 0.1 m above grade; and,
 - (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S-1419, and the subject lands on Zoning District Map E-12 be notated S-1419; and,
 - (d) That the City Solicitor be directed to prepare a By-law to amend zoning By-law No. 6593 and Zoning District Map E-12, for presentation to City Council; and,
 - (e) That this proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
 - (f) That the subject lands be redesignated on the approved Landsdale Neighbourhood Plan from "Commercial" to "Single and Double Residential" upon finalization of the implementing By-law.
- 4.A. That Official Plan Amendment No. 156 to establish a Special Policy Area to permit a parking lot only in conjunction with lands located at 190 Gage Avenue South, on lands known municipally as 227-229 Maplewood Avenue, as shown on the attached map marked as Appendix "E", be denied; and,

- B. That amended Zoning Application 98-25, Taras Shevchenko Home for the Aged, owner, for a change in zoning from "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District to "G-3" (Public Parking Lots) District, modified to permit a parking lot on the property located at 227-229 Maplewood Avenue, as shown on the attached maps marked as Appendices "E" and "F", be denied for the following reasons:
- (a) The proposed parking lot is not compatible with the existing residential development in the surrounding area; and,
 - (b) The proposal conflicts with the approved Blakeley Neighbourhood Plan which designates the subject lands "Single and Double" Residential.
5. (a) That approval be granted to application CDM-CONV-98-013 (Regional File 25CDM-98018) submitted by Kate Taylor and Morton Taylor, owner, for a draft plan of condominium for property located at No. 9 Sherman Avenue South, as shown on the attached Plan marked as Appendix "G", to provide for a condominium comprised of 8 individual apartment condominium units, subject to the following conditions:
- (i) That this approval applies to the attached draft plan dated September 2, 1998 (Appendix "G") prepared by A.T. McLaren Limited Ltd.; and,
 - (ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor; and,
 - (iii) That prior to approval of the final plan:
 - (1) property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law No. 6593 and the Official Plan, and,
 - (2) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law No. 6593, and,
 - (3) the applicant/owner enter into an encroachment agreement with the Regional Municipality of Hamilton-Wentworth in regard to the encroachment of the guard rail onto the Sherman Avenue South road allowance; and,
- (b) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.

6. That, with regard to the transferral of authority regarding Sewage Systems to the Building Code Act:
- (i) That the Solicitor, Corporate Services be authorized and directed to amend By-law 93-167, section 6A. (c)(iii) as follows:

“...Column 1 of the Table 8.2.1.5.A., 8.2.1.5.B. and 8.2.1.5.C;...” be changed to “...Column 1 of Table 8.2.1.5., 8.2.1.6.A, 8.2.1.6.B. and 8.2.1.6.C;...” and;
 - (ii) That the Solicitor, Corporate Services be authorized and directed to amend Schedule “A” of By-law 93-167, section 11.(c) as follows:

“...for lots with existing septic systems.” be changed to “...for lots with existing sewage systems.”.
7. (a) That approval be given to amended Part Lot Control Application 98-08, Harp Homes, Inc., to remove part-lot control for Block 21, located in "Eagleview Estates, Phase 1", Registered Plan 62M-829, to permit the subdivision of Block 21 into 2 blocks to be merged with the abutting lands for 2 lots for single detached dwellings, as shown on the attached map marked as Appendix "H"; and,
- (b) That the Director of Planning and Development be authorized to prepare a By-law to remove part lot control from Block 21, Registered Plan 62M-829, "Eagleview Estates, Phase 1" plan of subdivision, for presentation to City Council; and,
- (c) That the exempting By-law not be presented to City Council until such time as the following conditions have been satisfied:
- (i) the applicant has prepared and submitted a revised grading plan for Block 21, Plan 62M-829 to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department; and,
 - (ii) the applicant has made a cash payment in lieu of lands to be dedicated for park purposes to the City of Hamilton to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department; and,
 - (iii) the applicant has dedicated a 0.30 m reserve along Upper Sherman Avenue to the Region of Hamilton-Wentworth to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department; and,
 - (iv) the By-law for a change in zoning for the subject lands has been finalized to the satisfaction of the Director of Planning and Development; and,

- (1) the owner submits a signed Record of Site condition (RSC) to the Region and the Ministry of Environment (MOE), to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOE; and,
- (2) the owner submits an Environmental Impact Statement to the satisfaction of the Commissioner of Regional Environmental Services to evaluate the impacts of the specific proposals on the existing Environmentally Significant Areas and determine impacts of encouraging habitat given present soil and water quality concerns; and,
- (3) the owner prepares and submits a stormwater management plan to the satisfaction of the Commissioner of Regional Environmental Services and the Hamilton Region Conservation Authority; and,

City Council may remove the 'H' symbol, and thereby give effect to the rezoning as stipulated in this By-law, by enactment of an amending By-law once the conditions are fulfilled; and,

- (ii) That Block "1", "2" and "3" be rezoned from "L-s" (Planned Development - Special Study Area) District to "A" - 'H' (Conservation, Open Space, Park and Recreation - Holding) District; and,
- (iii) That the "A" (Conservation, Open Space, Park and Recreation) District regulation, as contained in Section 7 of Zoning By-law No. 6593, applicable to Block "1", "2" and "3" be modified to include the following variance as a special requirement:
 - (a) That notwithstanding Section 7(1) of Zoning By-law No. 6593, the following uses shall also be permitted:
 - (i) visitor centre, museum, trail centre, and information centre,
 - (ii) accessory uses:
 1. accessory buildings, structure or uses,
 2. refreshment stand,
 - (iii) business identification sign that are ground signs or wall signs of an occupancy or use of land on which the sign is situated; and,
 - (b) Every sign shall conform to the following requirements:
 - (i) no sign shall exceed 2.0 m in vertical dimension; and,
 - (ii) the total aggregate area of all signs shall not exceed 0.5

square metres for every 0.5 m of frontage on which the lot abuts; and,

(iii) every wall sign shall be parallel to the wall to which it is affixed, and,

(iv) no sign shall be illuminated unless the source of light is steady and suitably shielded to contain illumination; and,

(c) Clauses (iii), (iv) and (v) of Section 7.(1) of Zoning By-law No. 6593 shall not apply; and,

(iv) That Block "4" be rezoned from "L-s" (Planned Development - Special Study Area) District to "F-2" (Open Space - Harbour) District; and,

(v) The amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S-1418, and that the subject lands on Zoning District Map be notated S- 1418; and,

(vi) That the Director of Planning and Development be directed to prepare a By-law to amend Zoning District Map E-70, E-80, E-80a, E-80b, and E-80c for presentation to City Council; and,

(vii) That the proposed changes and modification in zoning will be conformity with the Official Plan for the City of Hamilton upon approval of Official Plan Amendment No. 157 the Regional Municipality of Hamilton-Wentworth; and,

(c) That Schedule "B" to the Site Plan Control By-law No. 79-275, as amended by By-law No. 98-173, be further amended by adding Blocks "1", "2", "3" and "4", and that the Director of Planning and Development be directed to prepare a Site Plan control By-law for presentation to City Council.

15. That City Council endorse the Agreement in Principle between Mohawk College as zoning proponent and Brian Morison, Thomas Van Zuiden and Lorna Disher as appellants with respect to Zoning By-law No. 98-130 and Official Plan Amendment No. 147.

16. That the following Bills be adopted, signed, sealed and enrolled as By-laws:

(a) C-130 A By-law to Amend By-law No. 97-140 Respecting the Downtown Hamilton Community Improvement Plan.

(b) C-131 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Located East of Upper Sherman Avenue, West of Eaglewood Drive, North of Dalia Avenue and Located at the Rear of 1465 Upper Sherman Avenue.

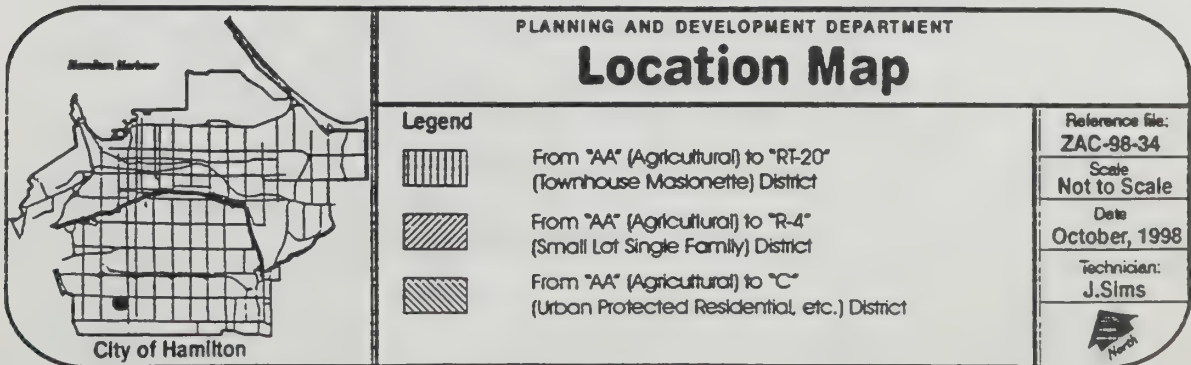
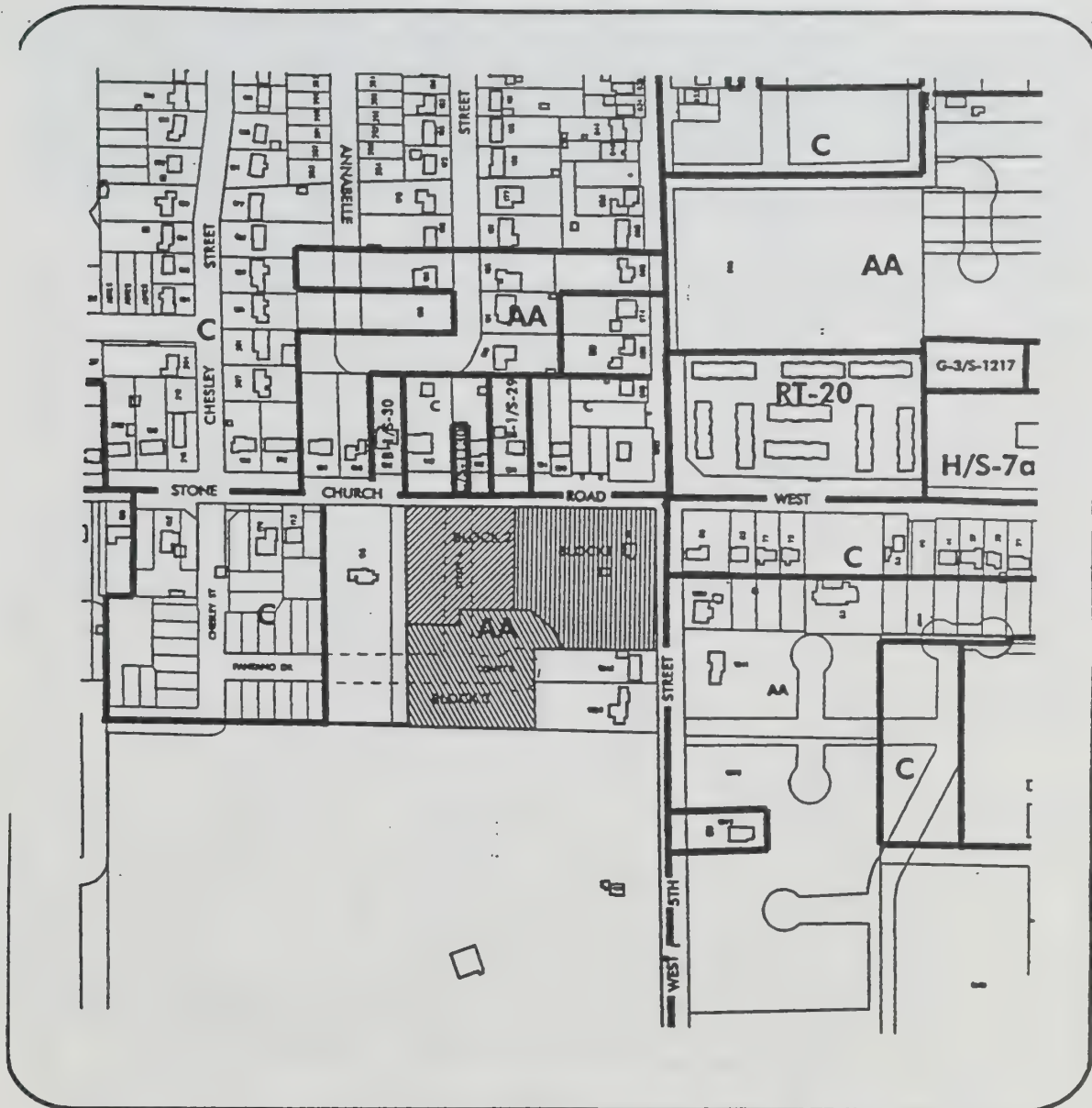
1998 November 24

- (c) C-132 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Located North of Stone Church Road East and West of the Future Extension of Distin Drive.
- (d) C-133 A By-law to Remove Land Within the "Allison Estates, Phase 5" Subdivision, Plan 62M-853 from Part Lot Control.
- (e) C-134 A By-law to Adopt Official Plan Amendment No. 152 Respecting Lands Located at 2434 Barton Street East Within the Kentley Neighbourhood.
- (f) C-135 A By-law to Adopt Official Plan Amendment No. 157 Respecting Lands and Water Located West of Eastport Drive and South of Pier 25 (Windermere Basin).
- (g) C-136 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Located West of Eastport Drive, South of Pier 25 Known as Windermere Basin.
- (h) C-137 A By-law to Establish Site Plan Control Respecting Land Located West of Eastport Drive, South of Pier 25, Known as Windermere Basin.

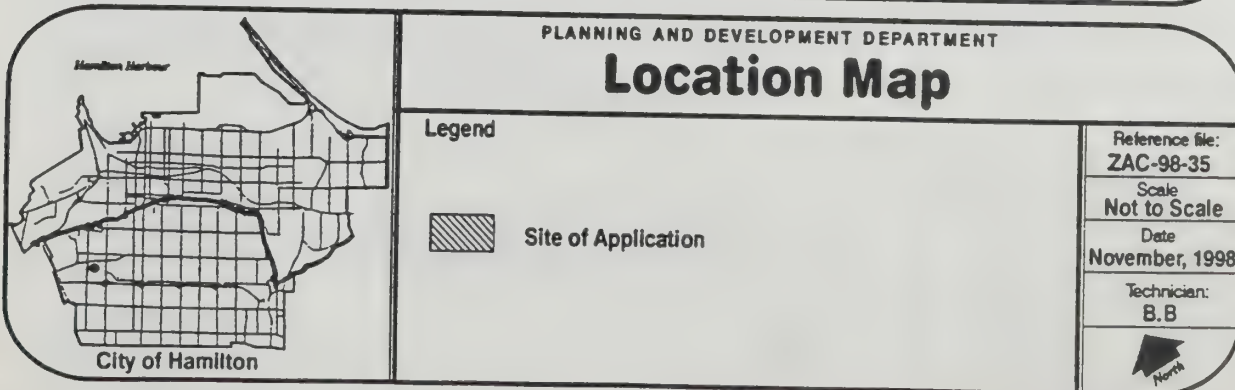
Respectfully submitted,

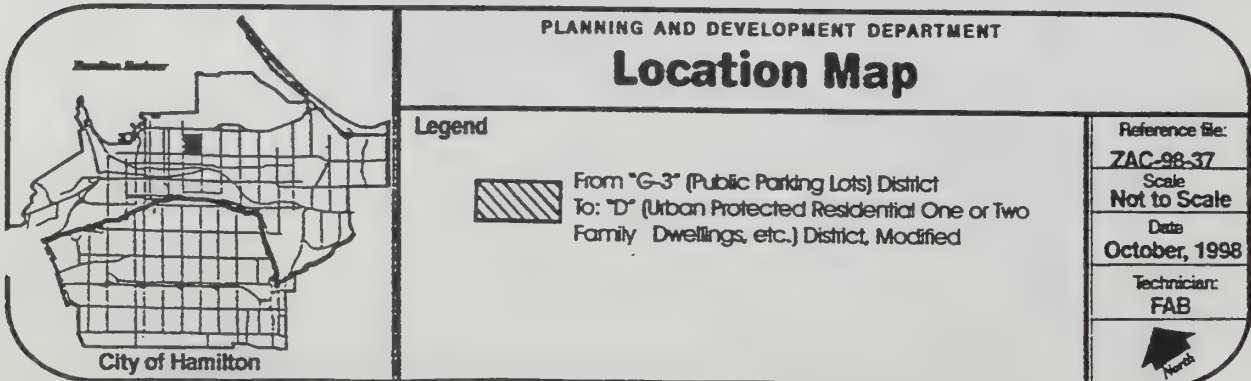
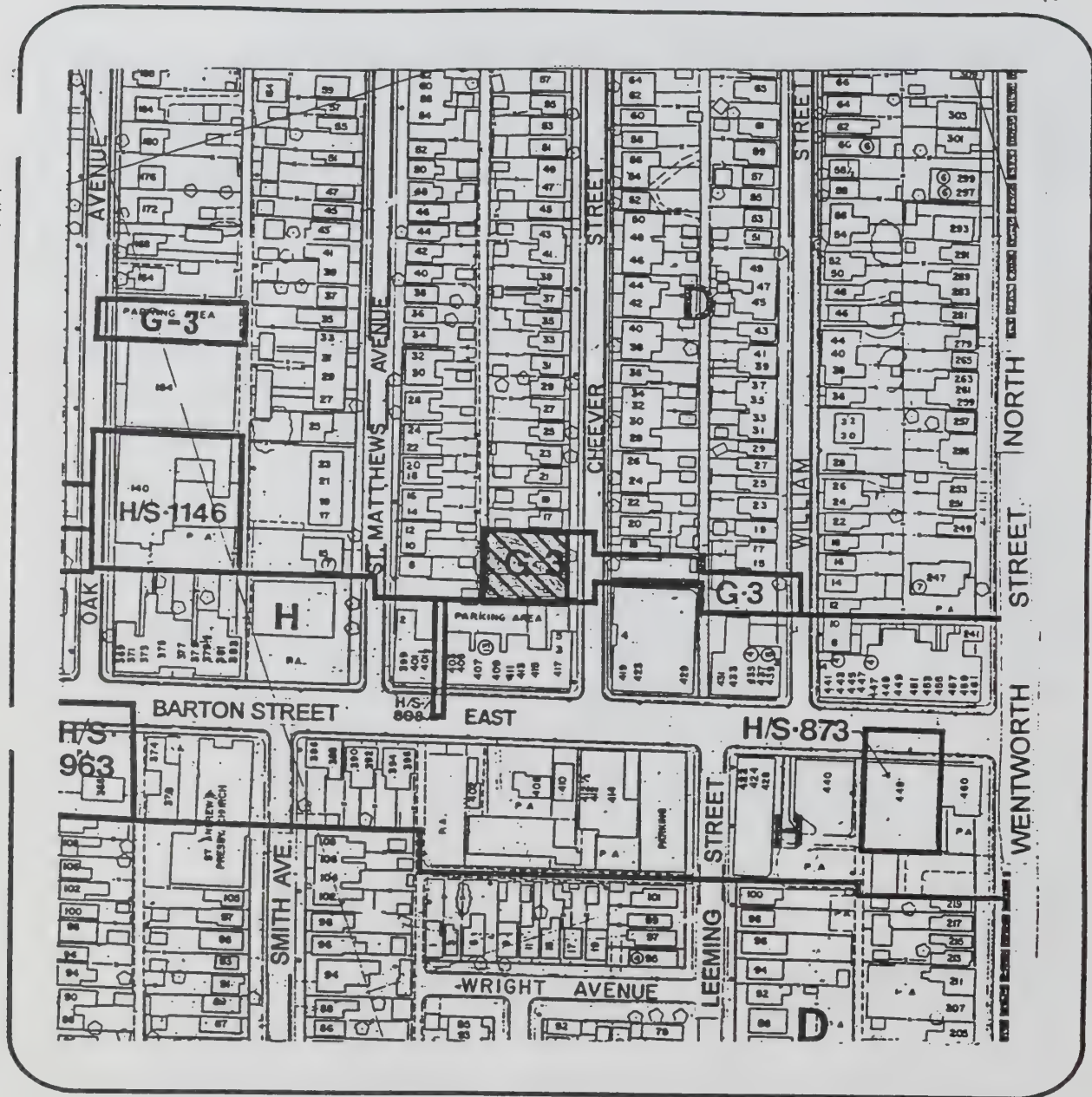
**ALDERMAN F. D'AMICO
PLANNING AND DEVELOPMENT
COMMITTEE**

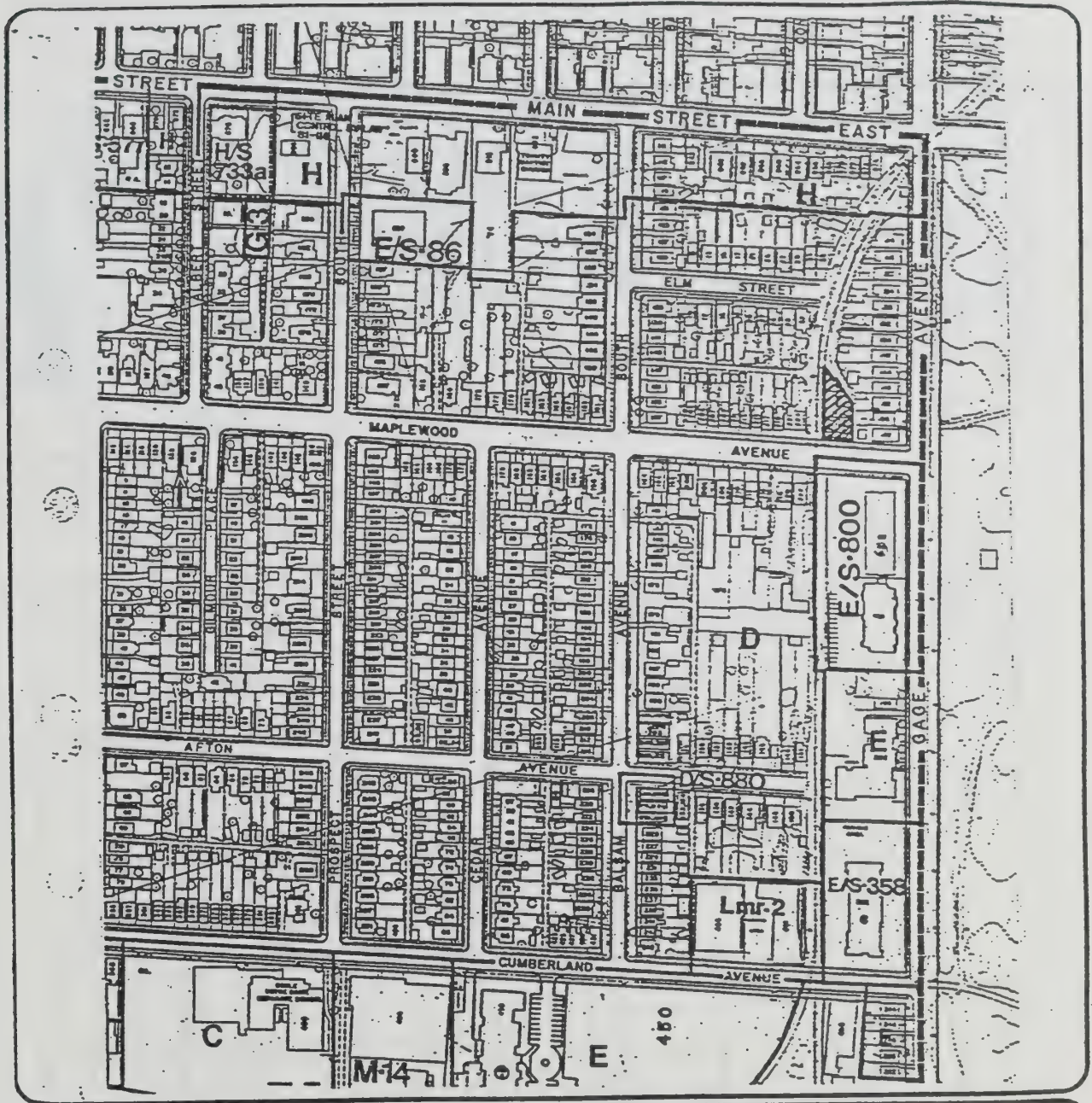
**Tina Agnello, Secretary
1998 November 18**











Legend



Site of the Application

City of Hamilton

Location Map

Planning and Development Department

North

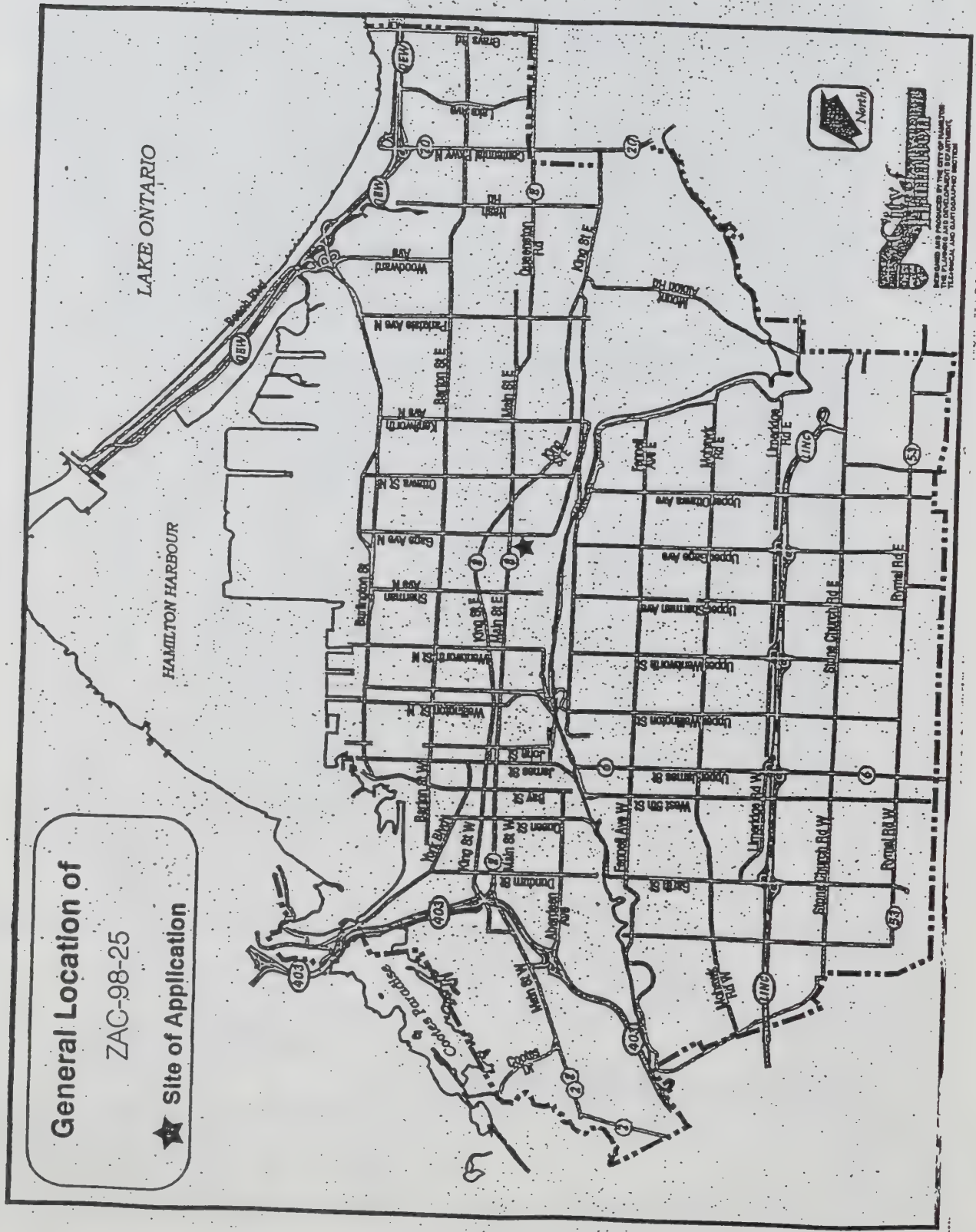


Scale
NOT TO SCALE

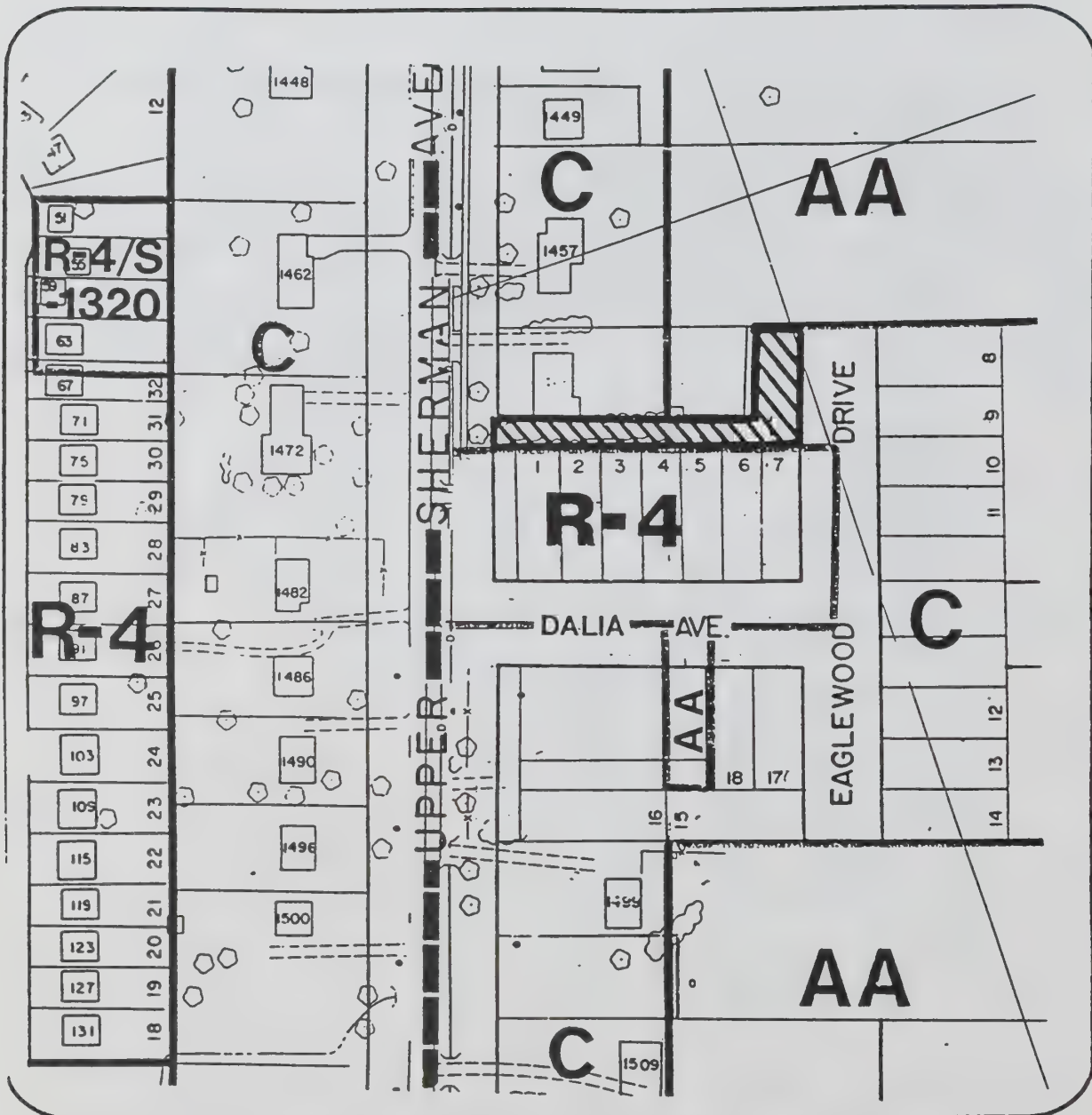
Reference File number
ZAC-98-25

Date
June 1998

Drawn By
F.A.

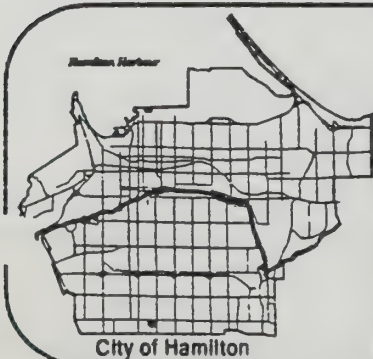
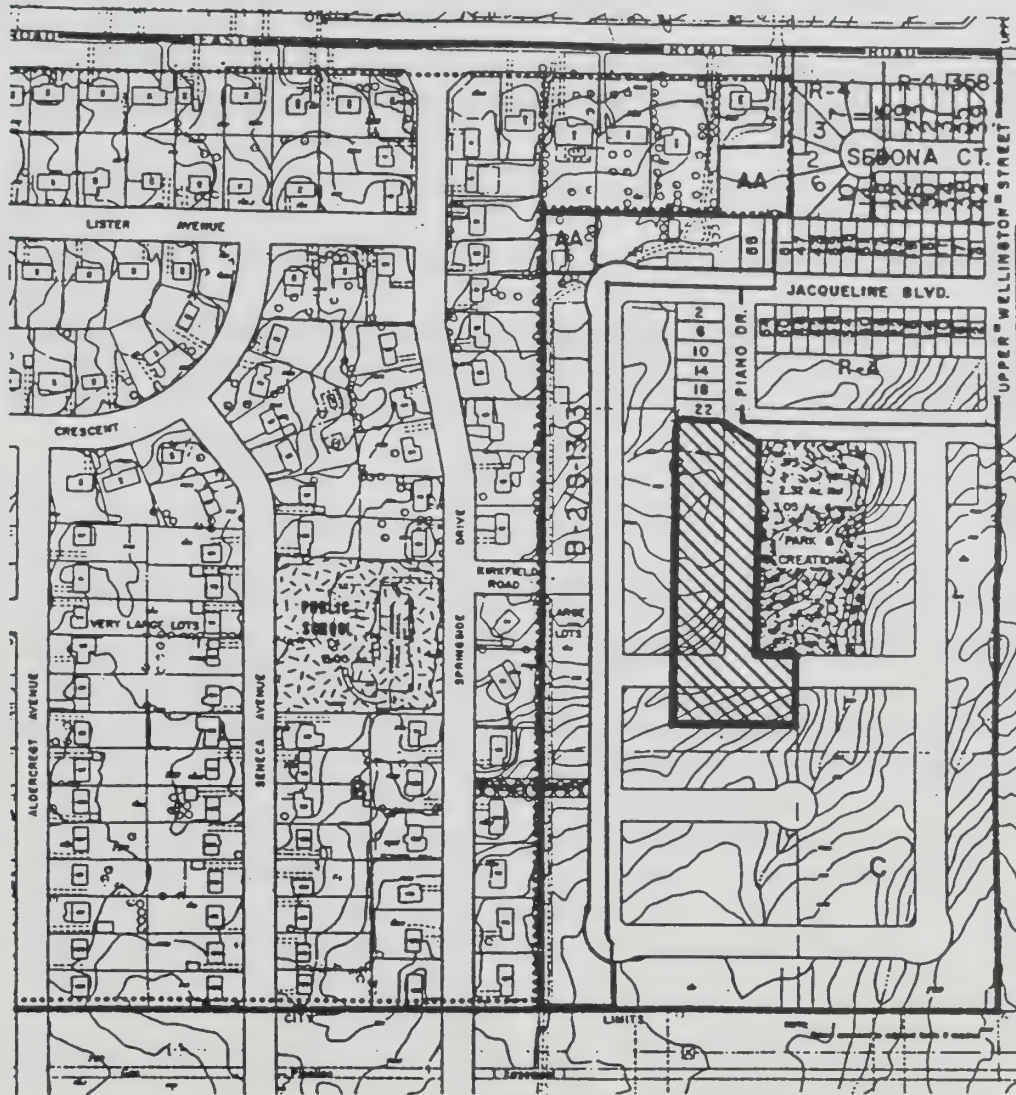






1998 November 24

Appendix "I" referred to in Section 8(a)
of the TWENTIETH Report of the
Planning and Development Committee
for 1998



PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend



Site of Application

Reference file:
PLC-98-09

Scale
Not to Scale

Date
November, 1998

Technician:
J.S/F.N



Amendment No.

to the

City of Hamilton Official Plan

The following text together with Schedule "A" – Land Use Concept, constitutes Official Plan Amendment No. 157 .

Purpose and Location:

The purpose of this Amendment is to redesignate land and water from "Special Policy Area: Windermere Basin" to "Open Space" and "Open Water", for lands and water located west of Eastport Drive, and south of Pier 25, and known as Windermere Basin.

Basis:

The basis for the redesignating the area for open space and open water uses is as follows:

- 1) the high visibility and accessibility of the subject area provide opportunities to improve the City's image by developing the lands for open space and low intensity cultural/recreational activities which will allow a more natural and "softer" landscape treatment;
- 2) there are a number of environmental considerations/constraints, which support the need to protect and enhance the environmental qualities of the area;
- 3) it is the last remaining open space opportunity on the south side of Hamilton Harbour;
- 4) the preliminary estimates indicate there is an adequate supply of land available in the City for heavy industry;
- 5) the area has no dockwall, therefore it is less attractive for shipping and navigation uses;
- 6) the location is central to a Provincial trail system including the Red Hill Creek Trail, Bruce Trail and Lake Ontario Waterfront Trail;
- 7) the open space uses will have less impact on nearby residential uses and will act as a buffer between the heavy industrial uses in the central Bayfront and the residential uses to the north and south; and,
- 8) the Basin is the mouth of the Red Hill Creek and provides an area to collect sediments from the up stream flow of the Creek.

Actual Changes:

1. Schedule "A" - Land Use Concept of the Official Plan be revised by:
 - a) redesignating the subject area from "Special Policy Area: Windermere Basin" to "Open Space" and "Open Water"; and,
 - b) deleting "Special Policy Area: Windermere Basin" from the legend.
2. Subsection A.2.5 – Open Water be revised by adding a new policy as follows:

"A.2.5.4 Notwithstanding the designation of Windermere Basin as OPEN WATER and subject to policy A.2.9.3.2, the preferable uses for Windermere Basin are for aesthetic, ecological and scientific activities."
3. Delete Policy A.2.9.3.2 and replace with the following:

"A.2.9.3.2 The following policies apply to the area designated as "Open Space" and "Open Water" on Schedule "A", and shown on Schedule "B" as SPECIAL POLICY AREA 4:

 - i) In addition to the permitted uses set out in Subsection A.2.4 - Open Space Uses, a visitor centre, museum, trail centre and information centre uses will also be permitted;
 - ii) It is recognized there is the potential for site contamination on the lands designated "Open Space" and accordingly, a Record of Site Condition will be required to be submitted to the Region and the Province prior to approval of any development;
 - iii) An Environmental Impact Statement will be required prior to any development to evaluate the impacts of the proposal on the existing Environmentally Significant Areas and determine the impacts of encouraging habitat given present soil and water quality concerns; and,
 - iv) Urban design guidelines for the area will be prepared based on the following basic principles:

- a) Windermere Basin is a special area with wildlife and fish habitats. Accordingly, a minimum 9 m "landscape buffer" should be established around the entire edge Windermere Basin to enhance the wildlife and fish habitat and provide the potential for trails. The buffer could enhance the views of the area.
- b) Structures should be designed with architectural interest and be enhanced by landscaping. Buildings should be sited to provide interesting views and, where possible, enhance vistas and focal points.
- c) Street plantings and maintenance will add to the image of the area.

Implementation:

A Zoning By-law Amendment will give effect to the intended use of the subject lands.

This is Schedule "1" to By-law No. 98- , passed on the 24th day of November, 1998.

**The Corporation of the
City of Hamilton**

Clerk

Mayor

FINANCE AND ADMINISTRATION COMMITTEE

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **TWENTY-SECOND** Report for 1998 and respectfully recommends:

1. (a) That Hamilton City Hall be utilized as the "Corporate Headquarters" for the amalgamated administration to:
 - (i) Serve as center of governance for the City and Region; and,
 - (ii) House key staff which support Council; and,
 - (iii) House key customer services; and,
- (b) That remaining Regional leases expiring in 1998 (25 Main Street West and 1 James Street South) be extended on a monthly basis or equivalent to a maximum of one year, from 1998 to 1999; and,
- (c) That Information Systems staff be relocated from 119 King Street West to Hamilton City Hall; and,
- (d) That the feasibility of utilizing City and Regional facilities outside the downtown core be explored for accommodating staff where appropriate for their function; and,
- (e) That space and furniture standards be updated and adopted to provide consistent criteria for accommodations and an effective working environment; and,
- (f) That a preliminary functional space analysis and user needs study be undertaken as soon as possible, in consultation with new General Managers, at a cost not to exceed \$60,000; and,
- (g) That the space analysis and user need study be funded equally between the City and Region from the City's Contingency Reserve (CH00115) and the Regional Productivity Enhancement Reserve (081830); and,
- (h) That the amalgamated administration continue to consider Downtown Revitalization in its criteria for locations, and that staff bring a report back on how to prioritize such locations.

1998 November 24

2. (a) That the Purchasing Policy for the City of Hamilton , attached herewith and marked Appendix "A" be approved.
3. (a) That the Business Travel, Seminar and Conference Attendance Policy, attached herewith and marked Appendix "B", be approved; and,
(b) That the per diem rate for travel be set at \$71 per day for overnight travel; and,
(c) That staff be required to submit reports to the appropriate Standing Committee of Council following attendance at conferences and conventions on behalf of the Corporation; and,
(d) That By-law 79-300 – To Authorize Payment of Expenses of Members of Council, Officers, Servants and Other Persons Appointed to a Local Board or Other Body, be rescinded.

Respectfully submitted,

**ALDERMAN D. WILSON, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan K. Reeder
Secretary
1998 November 11**

**CITY/REGION OF HAMILTON WENTWORTH
PURCHASING POLICY # 1
PRINCIPLES**

The Purchasing Policy is guided by the following principles to ensure a minimum standard of performance for Purchasing.

1. Procure the necessary quality and quantity of goods and services in an efficient, timely and cost effective manner, while maintaining the controls necessary for a public institution.
2. Encourage the most open bidding process practicable for the acquisition and disposal of goods and services.
3. Ensure the maximum value of an acquisition is obtained by determining the total cost of performing the intended function over the lifetime of the task. This may include, but not be limited to, acquisition cost, disposal value, disposal cost, training cost, maintenance cost, quality of performance and environmental impact.
4. Procure goods and services with due regard to our commitment to encourage the use of "environmentally friendly" products and services.
5. Follow the guidelines set out in the code of ethics established by the Ontario Public Buyers Association and the City/Region's Code of Conduct by-law.
6. Ensure that maximum value is obtained when disposing of surplus goods.
7. Preference shall be given to local suppliers where all bids offered for consideration are deemed equal.
8. Subject to all applicable City/Region policies and by-laws, any specific provisions of the Municipal Act, or other relevant legislation.

CITY/REGION OF HAMILTON WENTWORTH PURCHASING POLICY # 2 RESPONSIBILITIES

All goods and services are to be acquired in accordance with this policy.

The Purchasing Team as part of the Finance Department will provide support to City/Region staff and act as the City/Region's agents authorized to form contractual agreements with vendors for purchases requiring purchase orders. The Purchasing team will:

- Issue Purchase Orders/Agreements
- Be responsible for the administration of the Purchasing Policies, Guidelines and Procedures
- Maintain records of business transactions as required
- Dispose of all assets as required, including surplus and scrap
- Ensure that all business transactions are conducted ethically and professionally
- Ensure that qualified vendors receive request for Tenders, Proposals, Quotations or prices

General Managers are responsible for:

- Ensuring all purchases are performed in accordance with purchasing policies as defined by the Purchasing Policy Statement and Purchasing Procedures documents.
- Delegating Acquisition Authority to the appropriate levels.
- Ensuring the Manager of Purchasing is informed of and involved in all purchases requiring the involvement of the Purchasing Department.
- Ensuring that corporate standards are adhered to for purchases that fall under Corporate Tenders or Standing Orders. (e.g. computers)

**CITY/REGION OF HAMILTON WENTWORTH
PURCHASING POLICIES # 3
PROHIBITIONS**

The following activities are prohibited:

1. The division of contracts to avoid the requirements of the Policy.
2. Purchase by the City/Region of any goods or services for personal use by or on behalf of any member of Council appointed officers, employees of the City/Region or their immediate families.
3. Purchase by the City/Region from any member of Council, appointed officers, employees of the City/Region or their immediate families or from any other source that would result in a conflict of interest.
4. The purchase of any City/Region goods by a member of Council, appointed officers, employees of the City/Region or their immediate families.
5. The purchase by bid of any City/Region goods by an employee of the City/Region or their immediate families if that employee.
 - a) works at an auction run by the City/Region for the disposal of goods
 - b) is responsible for declaring goods surplus to the City/Region's needs;
or
 - c) is otherwise involved in the disposal of goods surplus to the City/Region's needs.

The above prohibitions are waived in those circumstances where the items are of minimal value and are used for promotional purposes or are authorized by policy approved by Council.

CITY/REGION OF HAMILTON WENTWORTH
PURCHASING POLICY # 4
SUBJECT: DEFINITIONS

1. **"Acquisition Method"** means the process by which goods or services are procured. The acquisition method applied must correspond with the schedules provided in policy #5.
2. **"Contract"** means a written agreement authorized or ratified by the appropriate authority and executed by the appropriate authority.
3. **"Emergency"** means a situation where serious delay may affect the life and health of the general public, prevention of serious damage, and the restoring of essential service levels to a minimum level.
4. **"Expanded Works"** means approved construction projects in which an unexpected problem arises during construction, which does not expand the scope of the project but is necessary in order to deliver the original approved work.
5. **"Co-ordinated Works"** means co-ordination of Regional Projects with Area Municipality projects in which there is sufficient funds within the approved Capital budget but there is insufficient time to follow the normal approval process.
6. **"Time-Sensitive Works"** means works for which the timing to initiate and /or complete the works is paramount but the time available to follow normal procedures is insufficient.
7. **"Purchase Order"** means a written or verbal offer to procure goods and services or a written acceptance of an offer, made on the City/Region's numbered form, to acquire goods and services.
8. **"Purchase Requisition"** means an internal written or online request to Purchasing to procure goods or services.
9. **"Quotation"** means a written request for bids for the supply of goods or services, from selected sources of supply, not opened in public.

CITY/REGION OF HAMILTON WENTWORTH
PURCHASING POLICY # 4 cont.
SUBJECT: DEFINITIONS

10. **Request for Proposal** means a formal request for details on the supply of goods or the provision of services, which cannot be fully defined or specified at the time of the request.
11. **Sole Source** means there is only one known source of supply of particular goods or services.
12. **Standing Purchase Order** means a Purchase Order which establishes prices or a method for determining prices, terms and conditions and the period of time during which a vendor agrees to provide goods or services to the purchaser upon the purchaser's demand.
13. **Tender** means a formal request for sealed bids for the supply of goods or services in response to an advertised invitation, opened in public.
14. **Local supplier** means a supplier located in the City of Hamilton for purposes of a City of Hamilton purchase and a supplier located in the Region of Hamilton-Wentworth for purposes of a Regional purchase.

**CITY/REGION OF HAMILTON WENTWORTH
PURCHASING POLICY # 5
ACQUISITION AND COMMITMENT AUTHORIZATIONS**

Anyone given Acquisition Authority under this schedule is accountable and responsible to ensure that proper and adequate budget exists and any purchase does not violate any City/Region policy, legal or statutory.

- Council must approve purchases over \$150,000
- City Manager or designate must approve purchases over \$60,000
- General Manager or designate are authorized to approve purchases up to \$60,000

Note: Exceptions to these limits are included on the charts for Emergency, Co-ordinated, Expanded and Time-sensitive purchases.

The General Manager sets the appropriate limits within which their staff can approve acquisitions. Within their authority limit, Directors set the limit for each of their Managers, Supervisors and other appropriate staff members.

NOTE: REFER TO THE FOLLOWING DEFINITIONS WHEN USING THE CHARTS ON THE FOLLOWING PAGES

AUTHORIZATION

1. The authority to approve requests for the acquisition of goods or services.

DOCUMENTATION

2. The documents used to request the acquisition of goods or services.

METHOD

3. The process by which goods or services are acquired.

VENDOR COMMITMENT DOCUMENTATION

4. The documents used to acquire goods services from vendors.

**PURCHASING POLICY #5 cont.
GENERAL PURCHASES**

	>\$5,000 up to \$60,000	>\$60,000 up to \$100,000	>\$100,000 up to \$150,000	> \$150,000
Authorization	GM or designate	City Manager or designate	City Manager or designate	Council
Documentation	Purchase Requisition	Purchase Requisition	Purchase requisition and Report to City Manager	Purchase requisition and Report to Council
Method	Minimum of 3 Written Quotes Requested	Minimum of 3 Written Quotes Requested	Tender	Tender
Vendor documentation	Purchase Order	Purchase Order	Purchase Order and, as appropriate, Contract	Purchase Order and, as appropriate, Contract

Note: General Purchases includes Insurance, Legal, and Arbitration awards

CONSTRUCTION CONTRACTS

	>\$5,000 up to \$60,000	>\$60,000 up to \$100,000	>\$100,000 up to \$150,000	> \$150,000
Authorization	GM or designate	City Manager or designate	City Manager or designate	Council
Documentation	Purchase Requisition	Purchase Requisition	Purchase requisition and Report to City Manager	Purchase requisition and Report to Council
Method	Minimum of 3 Written Quotes Requested	Minimum of 3 Written Quotes Requested	Tender	Tender
Vendor documentation	Purchase Order and/or Contract	Purchase Order and/or Contract	Purchase Order and/ Contract	Purchase Order and Contract

Note: Departments may choose to follow the tender method for acquisitions under \$100,000

PURCHASING POLICY #5 cont.**CONSULTANT CONTRACTS**

	>\$5,000 up to \$60,000	>\$60,000 up to \$100,000	>\$100,000 up to \$150,000	> \$150,000
Authorization	GM or designate	City Manager or designate	City Manager or designate	Council
Documentation	Purchase Requisition	Purchase Requisition and report to City Manager	Purchase requisition and Report to City Manager	Purchase requisition and Report to Council
Method	Minimum of 3 Written Quotes	Minimum of 3 Written Quotes	Request For Proposal	Request For Proposal
Vendor documentation	Purchase Order and Contract	Purchase Order and Contract	Purchase Order and Contract	Purchase Order and Contract

EMERGENCY

	>\$5,000 up to \$60,000	>\$60,000 up to \$100,000	>\$100,000 up to \$150,000	> \$150,000
Authorization	GM or designate	GM or designate	GM or designate	GM or designate
Documentation	Department's Discretion	Subsequent report to City Manager	Subsequent Report to City Manager	Subsequent Report To Council
Method	Negotiation	Negotiation	Negotiation	Negotiation
Vendor documentation	Department's Discretion	Department's Discretion	Department's Discretion	Department's Discretion

PURCHASING POLICY #5 cont.**CO-ORDINATED AND EXPANDED WORK**

	>\$5,000 up to \$60,000	>\$60,000 up to \$100,000	>\$100,000 up to \$150,000	> \$150,000
Authorization	GM or designate	City Manager or designate	City Manager or designate	City Manager and Mayor or Regional Chairman
Documentation	Purchase Requisition	Purchase Requisition and report to City Manager	Purchase requisition and Report to City Manager	Purchase requisition and Report to Council
Method	Negotiation	Negotiation	Negotiation	Negotiation
Vendor documentation	Purchase Order and Contract	Purchase Order and Contract	Purchase Order and Contract	Purchase Order and Contract

TIME-SENSITIVE

	>\$5,000 up to \$60,000	>\$60,000 up to \$100,000	>\$100,000 up to \$150,000	> \$150,000
Authorization	GM or designate	City Manager or designate	City Manager or designate	City Manager and Mayor of Regional Chairman
Documentation	Purchase Requisition	Purchase Requisition and Report to City Manager	Purchase requisition and Report to City Manager	Purchase requisition and Report to Council
Method	Negotiation Quotes where possible	Negotiation Quotes where possible	Negotiation Quotes where possible	Negotiation Quotes where possible
Vendor documentation	Purchase Order and Contract	Purchase Order and Contract	Purchase Order and Contract	Purchase Order and Contract

**CITY/REGION OF HAMILTON WENTWORTH
PURCHASING POLICY # 6
CO-OPERATIVE PURCHASING**

The City/Region will participate with other government agencies or public authorities in cooperative acquisition ventures where it is in the best interest of the taxpayer to do so. The procedures and policies of the agency calling the tender, proposal or quotation will be followed.

Each agency will issue its own contract and is responsible for the remainder of the procurement function (Receiving, inspecting, payment).

**CITY/REGION OF HAMILTON WENTWORTH
PURCHASING POLICY # 7
RECURRING OR NON-COMPETITIVE EXPENDITURES
SCHEDULE "A"**

Subject to all applicable City/Region policies and procedures, a purchase order is not required:

1. Purchases less than \$5,000
2. Employer's General Expenses
 - a) Payroll Deduction Remittances
 - b) Insurance Premiums/Claims
 - c) Licenses (vehicles, elevators, radios, etc.)
 - d) Debt payments
 - e) Grants and Levies
 - f) Tax Remittances
 - g) Real Property payments including Land, Buildings, Leasehold Interest, Easements, Encroachments and Licenses, or the like.
 - h) Legal Settlements
 - i) Travel Expenses (see note below)
3. Professional and Special Services
 - a) Medical Professional Services
 - b) Community Service Providers (Daycare, Lodging Homes, nursing, Homemakers)
 - c) Appraisers
 - d) Committee Fees
4. Utilities
 - a) Electricity
 - b) Postal Services
 - c) Water
5. Government Bodies
 - a) Revenue Canada
 - b) Minister of Finance
 - c) Area Municipalities

Note: See Travel and Tuition Policies for refundable employee expense.

THE CITY/REGION OF HAMILTON-WENTWORTH BUSINESS TRAVEL, SEMINAR AND CONFERENCE POLICY

This policy applies to the attendance of members of Council and staff at conferences, seminars, and for other business travel deemed to be in the best interests of the Corporation; and to provide for the reimbursement of expenses incurred by those persons authorized to attend.

(1) ATTENDANCE AUTHORIZATION

Conditional upon the availability of funds provided in the current budget.

Council must approve the attendance for any member of Council at any conference, seminar or for other business travel.

Chairman or Mayor must approve the attendance of the City Manager at any conference, seminar or for other business travel that is outside of Canada or the United States.

The City Manager/or designate must approve the attendance of any department head at any conference, seminar or for other business travel.

The City Manager /or designate must approve the attendance of all staff at any conference, seminar or for other travel that is outside of Canada or the United States.

Department heads must approve the attendance of his/her department staff at conferences, seminars, or for other business travel that is within Canada and the United States.

(2) ADVANCE AND EXPENSE REIMBURSEMENT AUTHORIZATION

Subject to the approvals granted under Clause (1) above, City Manager or designate is granted the authority to approve an appropriate advance or to pay directly, expenses incurred for/by department heads where expenses are within this policy.

Subject to the approvals granted under Clause (1) above, department heads/or designate is granted the authority to approve an appropriate advance or to pay directly expenses incurred for/by staff where expenses are within this policy.

In exceptional circumstances, the City Manager may approve expenses over or outside the limits of this policy.

(3) REGISTRATION

- Subject to the approvals granted in Clause (1) above, request for payment of the registration fee for the delegate to attend the conference or meeting is forwarded to the Finance Department. Advance discounts should be realized where possible.
- Copy of course, conference or seminar agenda is required providing information on cost, location, dates and meals.

(4) TRANSPORTATION

The most economical and efficient mode of transportation as follows:

- Economy airfare including all applicable taxes, surcharges and cancellation insurance;

NOTE: Upgrades from economy airfare will be acceptable for non North American air travel to no higher than business class in recognition of the travel times involved.

- Train/bus fare when applicable.
- Transfer fees to and from transportation terminals at points of departure and arrival by the most economically feasible method, including parking.
- Car rental, including gas purchases, instead of public transportation may be claimed providing it is more economical or if required under certain circumstances. Authorization as per Clause (2) must be received prior to departure and must be clearly indicated on the Travel Advance Form.
- Where an individual uses his/her own car for business travel, specific business insurance travel coverage must be in place. The current applicable mileage rate for the use of private automobiles on City/Region business will be reimbursed. While operating a private automobile on City/Region business, the individual is responsible for all vehicular costs, for example, repairs, fines, etc. Mileage will be reimbursed from the regular place of work, or from the employee's residence, whichever is less.

- Unless exceptional circumstances apply, the charges for the use of personal automobile shall not exceed the equivalent cost of economy airfare, plus airport parking and transfers.
- Shared transportation is encouraged when appropriate.

(5) **ACCOMODATION**

Reasonable accommodation expenses where overnight accommodation is required is allowable as follows:

- The accommodation chosen should be the most economical and advantageous to the conduct of City/Region business.
- The actual cost of a single room will be allowed provided such cost does not exceed the "Government Rate" when available.
- Receipts are required in support of all such expenses and must show the place, date and number of days or part days and the rate per day for single occupancy.

(6) **PER DIEMS**

A "Per Diem" expense allowance, at a rate approved by Council from time to time, to cover the costs of meals, gratuities, personal telephone charges and all other expenses not covered by Clause (3), (4) and (5), will apply only when overnight accommodation is required. Where some meals are provided, the per diem will be reduced as follows:

Breakfast	\$10.00
Lunch	\$15.00
Dinner	\$25.00

- One per diem is allowed for each official registered full day of the event attended. Additional reasonable expenses incurred while travelling to and from the event will be reimbursed provided receipts are submitted in evidence of the expenses incurred.
- When overnight accommodations is not required, personal meal expenses will be reimbursed based upon submitted receipts to a maximum of the above table.

- Per diem claims for all approved travel in the United States and abroad will be paid in U.S. dollars to compensate for any additional expenses.
- For non North American travel only, reimbursement in excess of this maximum will be made if the actual expenses are reasonable in the opinion of the department head and proper receipts are submitted for all expenses. Approval of these expenses in excess of maximum per diem rates will be made on an individual basis, subject to their merits and general policy for reimbursement of allowable expenses.
- This policy addresses the maximum that the City/Region will pay for travel, the individual may choose to upgrade at his/her own expense. If paid directly by the City/Region, reimbursement must be received at time of registration. Examples include additional accommodation expenses for an accompanying spouse.
- In accordance to Clause (2) a lesser per diem or reimbursement for expenses for which receipts are submitted up to a maximum of the allowable per diem rate may be approved.

(7) EXTENDED STAYS

At times, and with prior written authorization, special travel savings may be available to the City/Region if the individual travelling stays longer than the duration of the business stay. Although any additional stay will be reimbursed in terms of per diems/accommodation the total travel costs cannot exceed economy travel fare plus minimum per diems/accommodation costs if the length of stay were not extended. Any loss of work days due to this "extended" travel must be charged to the employee's vacation entitlement. Savings must be substantiated by airline quotes, etc.

8. REPORTING

- All expenses claims/reimbursements must be submitted to the Finance Department within 20 days of the event. Reimbursements of advanced funds must be accompanied by a receipt issued by the Finance Department, or a cheque payable to the City of Hamilton or to the Regional Municipality of Hamilton-Wentworth for the full amount owing.
- If an expense claim "actual" is overdue under this policy, the department head will be notified in writing and additional expense claims/advance requests will not be processed until the past due actual has been received.
- A minimum one-page report on any conference, seminar or field trip shall be completed and filed with the final expense claim, with a copy to his or her

immediate supervisor. In the case of a department head, a copy shall be filed with the City Manager.

(9) **ITEMS NOT ALLOWABLE**

Claims for reimbursement will **not** be allowed for:

- Personal Effects and Services – Claims for loss of personal effects, for medical and hospital treatment, for purchase of trunks, hand luggage, clothing and other personal equipment, or for personal services such as, shoe shines, valet services and other personal expenses.

NOTE: Handling charges for bulky items such as exhibits are permissible provided they are indicated separately on the advance form and pre-approved. Receipts should be obtained where at all possible, however, expenses without receipts will be reimbursed if they were pre-approved and are reasonable (in the opinion of the department head) and equal to or less than the pre-approved amount.

- Long Distance Telephone Calls – Charges for long distance telephone calls **unless** these calls were made for City/Region business and are properly identified on the hotel bill. Reasonable telephone charges for calls to family at home will be allowed, in consideration of being out-of-town on City/Region business.
- Medical Insurance - City/Region employees are covered under the City/Region's group plan. Extra insurance will not be reimbursed.

1998 November 24

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **TWENTY-THIRD** Report for 1998 and respectfully recommends:

1. That a purchase order be issued to Allan Fyfe Equipment Ltd., Concord, Ontario in the amount of \$132,353.50 including all applicable taxes for the purchase of two (2) Wood Chippers units 9609 and 9611 and, one (1) Stump Cutter unit 9616 for Fleet Services being the lowest of two tenders received in accordance with specifications issued by Purchasing and Vendor's tender and be financed through the Reserve for Mobile Equipment Account Number CF5532 649851037.
2.
 - (a) That the City be authorized to enter into an Extension Agreement, if required, in a form satisfactory to the City/Regional Solicitor and the General Manager, Finance pursuant to Section 8 of the Municipal Tax Sales Act, with the owner of property at 760 Knox Avenue to extend the time open for payment of realty tax arrears in accordance with the policy for extension agreements approved by City Council on 1994 June 28; and,
 - (b) That the by-law to authorize the said Extension Agreements be enacted by Council; and,
 - (c) That the Mayor and Municipal Clerk be authorized to execute the aforesaid by-law and extension agreement.
3.
 - (a) That the annual Reserve and Reserve Funds report (circulated to members of the Finance and Administration Committee, and available from the Committee Secretary upon request) be received; and,
 - (b) That the General Manager, Finance be authorized to open an interest bearing reserve fund "Ronald V. Joyce Centre for the Performing Arts at Hamilton Place".
4.
 - (a) That the 1998 billing of the final instalment of taxation for those properties having assessments, in full or in part, in the commercial or industrial tax classes be further delayed beyond the date of 1998 December 15 as previously approved; and,
 - (b) That the Law Department be directed to prepare the required amendments to the current taxation billing by-law(s) for presentation to City Council.

5. (a) That the 1999 General and Convention/Reception Grant Applications and Policies be made available to potential applicants with an extended deadline of 1999 January 15 for the General Grant Applications; and,
 - (b) That the process for reviewing and approving all 1999 General Grant Applications and the process for the Convention/Reception Grants be considered by a report from the Grants Process Group as soon as possible to the Finance and Administration Committee, said report to include a recommendation as to revised membership of the group; and,
 - (c) That the 1999 Grant Applications be advised as to the outcome of this grants process.
6. (a) That the City of Hamilton enter into a Ground Lease Amendment Agreement with the Province of Ontario for the purpose of revising the demised floor area allocated between the parties on the ground floor of the Ellen Fairclough building, as per the original "as built" drawings referred to in the Ground Lease dated 1976 January 6; and,
 - (b) That it be understood and agreed that the Lease Amending Agreement contain the following key terms and conditions:

Key Terms:

- (i) Lessor: Corporation of the City of Hamilton;
Lessee: Province of Ontario (Her Majesty the Queen in the right of Ontario, as represented by the Management Board Secretariat);
and,
- (ii) Premises: Part of the ground floor of the Ontario Government building at 119 King Street West, Hamilton;
 - (1) Exclusive use floor space to be leased - 238 square feet;
and,
 - (2) Non-exclusive use floor space to be licensed - 600 square feet; and,
- (iii) Use of Premises: The Lessee shall use the premises as part of a public lobby and a storage room ancillary to its office tower; and,
- (iv) Term: Commencing 1999 March 1, expiring on 2069 October 31, to coincide with the remaining term of the Ground Lease. Said seventy (70) year term to be divided into four (4) periods commencing 1999 March 1, 2016 March 1, 2033 March 1, and 2050 March 1, for the purpose of adjusting the market rent of the exclusive use area; and,

- (v) Rent:
- (1) Exclusive Use space of 238 square feet, a minimum rent of \$5 per square foot per annum plus GST, net of all operating costs including realty taxes, insurance premiums, heating and cooling costs, electricity, repairs, maintenance and janitorial costs, etc., for a total of \$1,190 per annum plus GST, during the first period of the term. The rent during subsequent periods shall be based on the market rent of comparable office space in the downtown area as at the commencement of the rental period; and,
 - (2) Non-Exclusive Use space of 600 square feet (area of shared use lobby), a rent of \$2 for the entire term, plus all operating expenses including janitorial and maintenance costs, with the sole exception of the cost of heating, cooling and electricity supplied by the City's Central Utilities Plant; and,
- (vi) Insurance: The Lessee is to maintain in force throughout the term a comprehensive general liability insurance policy (with the Lessor as additional insured) to an inclusive limit of not less than \$5,000,000; and,
- (vii) Indemnity: The Lessee is to indemnify and save harmless the Lessor from and against all actions, claims, etc. that the Lessor may bear by reason of any personal injury, death or damage to property suffered by any person or property that arises out of the use or occupation of the demised premises by the Lessee or any member of the public or by reason of any negligence on the part of the Lessee, save and except for the use of the non-exclusive area of the lobby outside of normal business hours (8:00 a.m. to 6:00 p.m. Monday to Friday); and,
- (viii) Termination: The Lease, as it relates to the revisions to the demised floor area as set out in the Lease Amending Agreement, may be terminated in whole or in part, upon six (6) months written notice to the other party by either the Lessee or the Lessor, after the first five (5) years of the term have elapsed, provided the Lessee restores the premises to the physical layout and condition it was in before the commencement of the tenant improvements and the Lease Amending Agreement or to an alternate state if deemed acceptable, to the satisfaction of the City (including the Director of Operations for the Hamilton Convention Centre and the Building Commissioner); and,

- (ix) Assignment: The Lessee shall not assign or sublet the Lease Amending Agreement or otherwise encumber the premises without the prior written consent of the Landlord; and,

Conditions:

- (x) That the proposed Lease Amending Agreement shall be subject to the approval of the Province and to the satisfaction of the Manager of the Real Estate Division for the City in conjunction with City/Regional Solicitor in accordance with the key terms and conditions noted herein. Should it be required in order to process a building permit, City staff will execute permit applications as owner. However, such execution of applications shall not fetter the discretion of the Building Commissioner in determining whether such permit shall be issued; and,
- (xi) That all proposed tenant improvements to expand and renovate the premises shall receive the prior approvals of the Lessor as required, including the City of Hamilton Building Commissioner and the Director of Operations for the Convention Centre; and,
- (xii) It is understood and agreed that an Authority to Enter upon the premises be granted to the Province to initiate tenant improvements, however, should the Province not subsequently execute the proposed Lease Amending Agreement, the premises shall be restored to its original condition by the Lessee; and,
- (c) That an Authority to Enter the premises for the purpose of undertaking renovations (proposed tenant improvements) prior to the execution and commencement of the Lease Amending Agreement be approved; and,
- (d) That the Mayor and Municipal Clerk be authorized and directed to execute the Authority to Enter and the Lease Amending Agreement in a form satisfactory to Corporate Counsel.
7. That Mr. J. J. Schatz, Municipal Clerk or his designate be appointed Freedom of Information and Privacy Co-ordinator for the City of Hamilton.
8. (a) That the City decline to accept the Plaintiffs' Offer to Settle Ontario Court (General Division) Action # C14260/94 by the payment to the Plaintiffs, Phyllis Honsberger and Gaye-Ann Pracsovics of the amount of \$16,312.90 plus pre-judgment interest plus costs; and,
- (b) That the City make a formal Offer to Settle Ontario Court (General Division) Action # C14260/94 in the following terms:

- (i) That the City will pay to the Plaintiffs' Phyllis Honsberger and Gaye-Ann Pracsovsics the sum of \$3,500 inclusive of all claims for damages, interest and costs; and,
 - (ii) That the Plaintiffs' will execute a Full and Final Release in a form satisfactory to the City/Regional Solicitor; and,
 - (iii) That Ontario Court (General Division) Action # C14260/94 shall be dismissed; and,
 - (iv) That if this Offer to Settle is accepted before the commencement of Examinations for Discovery of either the Plaintiffs' or a witness on behalf of the City, there shall be no Order as to costs; and,
 - (v) That if this Offer to Settle is accepted after the commencement of Examinations for Discovery of either the Plaintiffs' or a witness on behalf of the City, the City shall be entitled to its Party/Party costs of this action to be agreed or assessed; and,
 - (vi) That this Offer remains open for acceptance until the commencement of Trial, or until withdrawn whichever first occurs.
9. (a) That the City resolve Ontario Court (General Division) Action # 7017/94 by the payment to the Plaintiffs Daisy, and Martin Newell and Catherine Mort the sum of \$10,000 inclusive of damages, interest and costs; and,
- (b) That the Plaintiffs be required to execute a Full and Final Release in a form satisfactory to the City/Regional Solicitor; and,
- (c) That Ontario Court (General Division) Action # 7017/94 be dismissed without costs.
10. (a) That the City resolve Ontario Court (General Division) Action # 2987/93 by the payment to the Plaintiff, Reita McElmon, of the sum of \$17,693.43 inclusive of all claims for damages, interest and costs; and,
- (b) That the Plaintiff be required to execute a Full and Final Release in a form satisfactory to the City/Regional Solicitor; and,
- (c) That Ontario Court (General Division) Action # 2987/93 be dismissed, on consent, without costs.

1998 November 24

11. (a) That the General Manager, Finance be directed to disburse to the Hamilton Downtown Partnership the amount of \$75,000 as allocated in the 1998 Budget as the City's portion towards the Hamilton Downtown Partnership; and,

(b) That the Region be so advised of the City's resolution in this regard.

12. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
 - (a) D-57 A By-law to Authorize an Extension Agreement for Payment of Realty Tax Arrears.

 - (b) D-58 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

Respectfully submitted,

**ALDERMAN D. WILSON, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan K. Reeder
Secretary
1998 November 17**

NOMINATING COMMITTEE

1998 November 24

REPORT OF THE NOMINATING COMMITTEE

To the Council of the Corporation of the City of Hamilton.

The Nominating Committee presents its **SEVENTH** Report for 1998 and respectfully recommends:

1. That Alderman _____ be appointed Chairman of the Committee of the Whole for the months of December, 1998; January and February, 1999.

2. That the following citizen member be appointed to serve on the Canadian Football Hall of Fame and Museum Management Committee for a term to expire 2001 November 30:

3. That the following citizen members be appointed to serve on the Hamilton Entertainment and Convention Facilities Inc. for a term to expire 2001 December 31:

Respectfully Submitted,

**Mayor R. M. Morrow
Chairman
Nominating Committee**

**J. J. Schatz, Secretary
1998 November 24**

MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON

TUESDAY, 1998 NOVEMBER 24
7:30 O'CLOCK P.M.
HAMILTON CONVENTION CENTRE

BILLS

The Corporation of the City of Hamilton

BY-LAW NO. 98-

To Amend:

By-law No. 97-140

Respecting:

THE DOWNTOWN HAMILTON COMMUNITY IMPROVEMENT PLAN

WHEREAS By-law No. 97-140 was enacted on June 24, 1997 under Section 35 of the Planning Act to adopt the Downtown Hamilton Community Improvement Plan;

AND WHEREAS the Plan was approved by the Minister of Municipal Affairs and Housing on July 22, 1997;

AND WHEREAS By-law No. 97-140 has been amended by By-law No. 98-122 and By-law No. 98-212;

AND WHEREAS the Planning and Development Committee held a public hearing on a proposed amendment to Schedule "A" of the Downtown Hamilton Community Improvement Plan, on November 4, 1998;

AND WHEREAS Council, on November 10, 1998, in adopting Section 3 of the 19th Report of the Planning and Development Committee, authorized a further amendment to the Downtown Hamilton Community Improvement Plan;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The paragraph entitled "Maximum Loan:" of Schedule "A" of the Downtown Hamilton Community Improvement Plan as enacted by By-law No. 98-212 is repealed and replaced by the following:

"Maximum Loan:	The lesser of cost or \$12,000.00 per unit maximum for units 600 sq. ft. or less. Unit size in excess of 600 sq. ft. per unit qualifies for additional assistance at the rate of \$20.00 per sq. ft. to a maximum of \$20,000.00. The total loan for each deeded property shall not exceed \$500,000.00."
----------------	---

2. The Director of Public Works and Traffic is hereby authorized and directed to make application to the Minister of Municipal Affairs and Housing,

- (a) for approval, as required by subsection 28(4) of the Planning Act, to this amending by-law adopting these amendments to the said

Community Improvement Plans;

- (b) for approval, as required by subsection 28(8) of the community improvement provisions of the Planning Act, to be granted to the City by the Minister, to permit the City to offer the loans and other assistance at below market rates as provided for in the said Community Improvement Plans, as amended by this amending by-law, that would otherwise be bonuses prohibited by subsection 111(1) of the Municipal Act.
3. This By-law shall come into force and effect on the date the Minister grants the said two approvals.

PASSED this 24th day of November, 1998.

CLERK

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 98 -

To Amend:

Zoning By-law No. 6593

Respecting:

**LANDS LOCATED EAST OF UPPER SHERMAN AVENUE, WEST OF
EAGLEWOOD DRIVE, NORTH OF DALIA AVENUE AND LOCATED
AT THE REAR OF 1465 UPPER SHERMAN AVENUE**

WHEREAS it is intended to change the zoning of the lands hereinafter referred to by amending By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-38C of the District Maps, appended to and forming part of By-law No. 6593, is amended,

(a) by changing from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc,) District,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

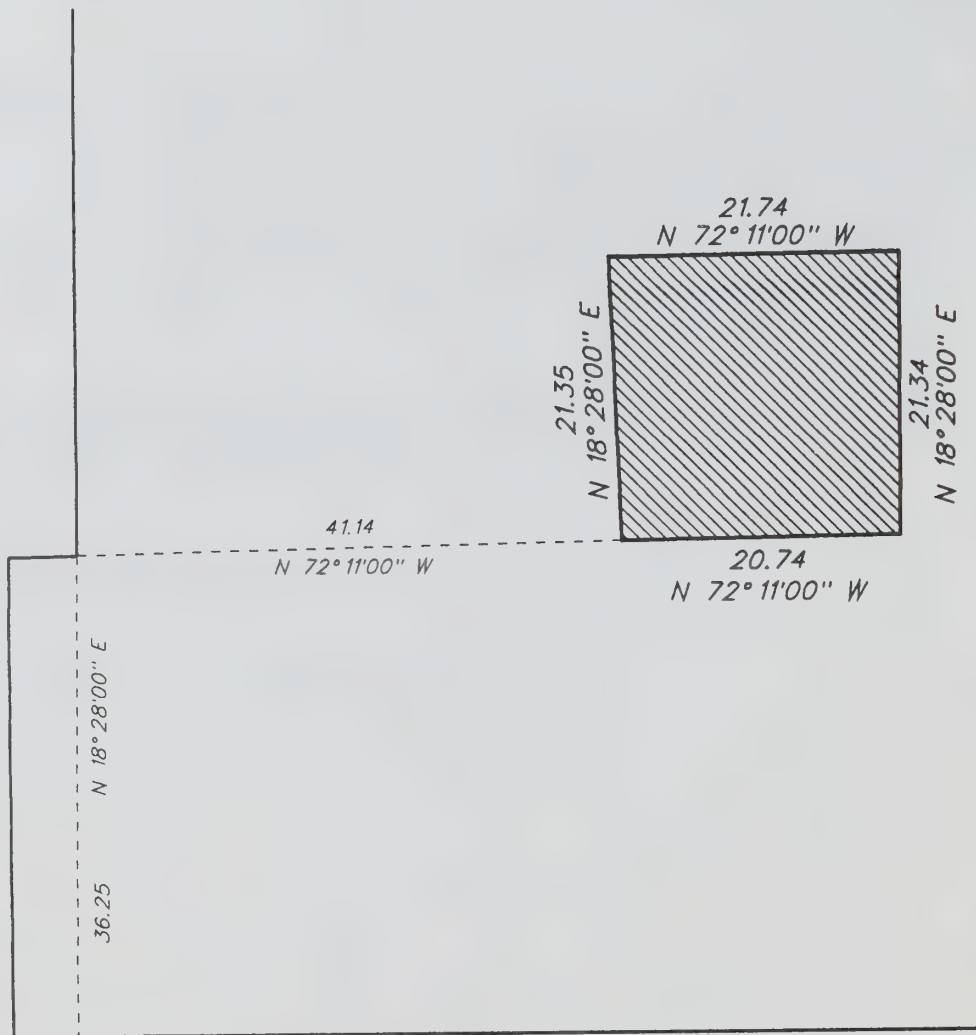
PASSED this 24th day of November A.D. 1998

CLERK

MAYOR

(1998) 18 R.P.D.C. 2, October 27
Aurello Marrone and Laurie Marrone, Owners
ZAR-98-38

UPPER SHERMAN AVENUE



DALIA

AVENUE

NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 98-.....
Passed the day of, 1998.

Clerk

Mayor

City of Hamilton

Schedule "A"

Map Forming Part of
By-Law No. 98-_____

to Amend By-Law No. 6593

Planning and Development Department

Legend

Change in Zoning from:



"AA" (Agricultural) District, to
"C" (Urban Protected Residential,
etc) District.

North

Scale
NOT TO SCALE

Date
November 1998

Reference File No.

ZAR-98-38

Drawn By

B. B.

The Corporation of the City of Hamilton

BY-LAW NO. 98 -

To Amend:

Zoning By-law No. 6593

Respecting:

**LANDS LOCATED NORTH OF STONE CHURCH ROAD EAST
AND WEST OF THE FUTURE EXTENSION OF DISTIN DRIVE**

WHEREAS it is intended to change the zoning of the lands hereinafter referred to by amending By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-18C of the District Maps appended to and forming part of By-law No. 6593, is amended,

(a) by changing from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

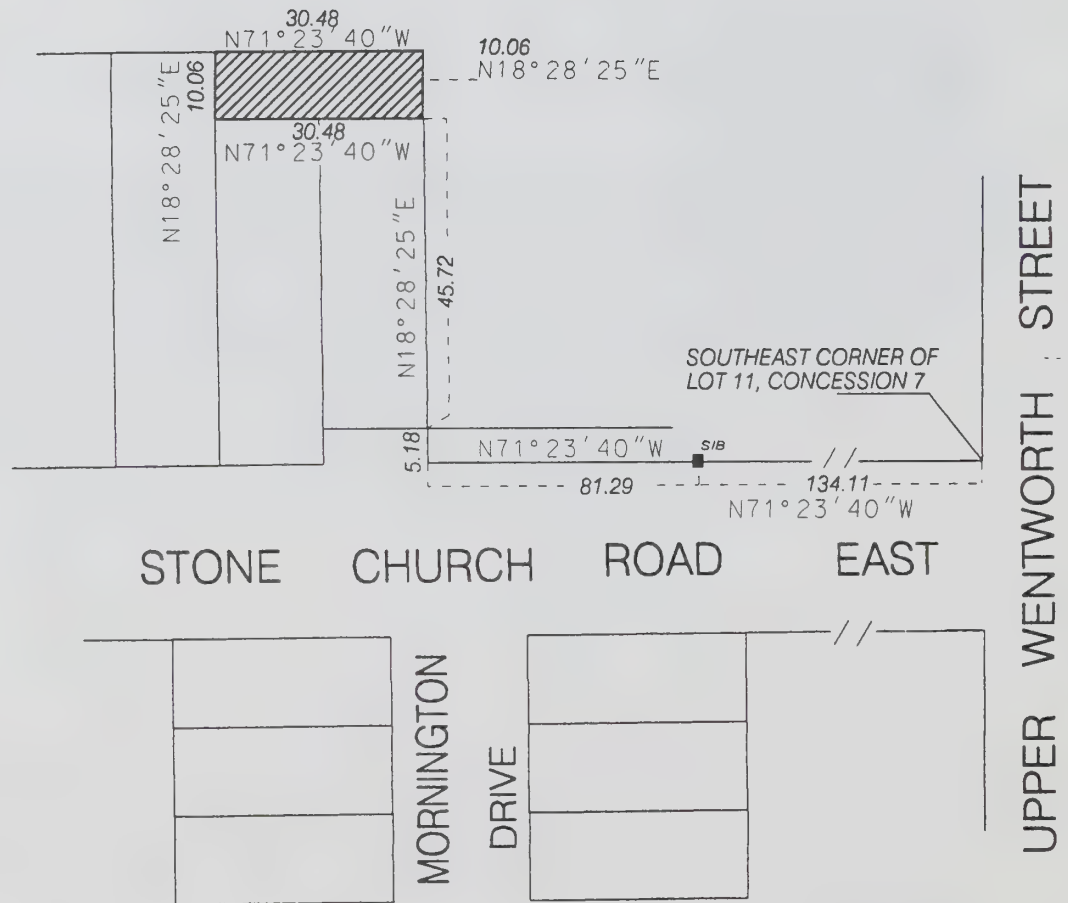
2. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 24th day of November A.D. 1998

CLERK

MAYOR

(1998) 18 R.P.D.C. 3, October 27
Silvestri Investments, Owner
ZAC-98-36



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 98-.....
Passed the day of, 1998.

Clerk

Mayor

City of Hamilton

Schedule "A"

Map Forming Part of
By-Law No. 98-____
to Amend By-Law No. 6593

Planning and Development Department

Legend

Change in Zoning



From "AA" (Agricultural) District to "C"
(Urban Protected Residential, etc.) District



Scale
NOT TO SCALE
Date
November, 1998

Reference File No.
ZAC-98-36
Technician
JSims

The Corporation of the City of Hamilton

BY-LAW NO. 98—

To Remove
Land within the "Allison Estates, Phase 5" Subdivision, Plan 62M-853
from Part Lot Control

WHEREAS subsection 5 of Section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of Section 50 of the Planning Act, states, in part, as follows:

- (7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.
- (7.1) **Requirement for approval of by-law.** -- A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.
- (7.2) **Exemption from approval.** -- An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.
- (7.3) **Expiration of by-law.** -- A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.
- (7.4) **Extension of time period.** -- The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.
- (7.5) **Amendment or repeal.** -- The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of Section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton-Wentworth pursuant to Section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of Section 50 of the Planning Act, for the purposes of establishing maintenance easements shall not apply to the following lands:

Lots 1 - 13, inclusive and Lots 15 - 22, inclusive, within Registered Plan Number 62M-853, in the City of Hamilton, Regional Municipality of Hamilton-Wentworth.

2.
 - (a) This by-law shall come into force and effect on the date of its approval by Council of The Regional Municipality of Hamilton-Wentworth.
 - (b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.
 - (c) This By-law shall expire on December 1, 1999.

PASSED this 24 day of November

A.D. 1998.

Clerk

Mayor

200 Rymal Road Inc., owner
(1998) 20 R.P.D.C.(12) , November 24
PLC-98-09

The Corporation of the City of Hamilton

BY-LAW NO. 98-

To Adopt:

Official Plan Amendment No. 152

Respecting:

**LANDS LOCATED AT 2434 BARTON STREET EAST
WITHIN THE KENTLEY NEIGHBOURHOOD**

The Council of The Corporation of the City of Hamilton enacts as follows:

1. Amendment No. 152 to the Official Plan of the Hamilton Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.
2. It is hereby authorized and directed that such approval of the Official Plan Amendment referred to in section 1 above, as may be requisite, be obtained and for the doing of all things for the purpose thereof.

PASSED this 24th day of November A.D. 1998

CLERK

MAYOR

(1998) 17 R.P.D.C. (1), October 13
FDJ Holdings Inc., Owner
ZAC-98-23/2434 Barton Street East

Amendment No. 152
to the
City of Hamilton Official Plan

The following text, together with Schedule "A" - Land Use Concept of the Official Plan, attached hereto, constitute Official Plan Amendment No. 152.

Purpose:

The purpose of this Amendment is to redesignate a parcel of land from "Residential" to "Commercial" to permit commercial uses in conjunction with the existing building at 2434 Barton Street East.

Location:

The lands affected by this Amendment are located at the rear of the property known municipally as 2434 Barton Street East, within the Kentley Neighbourhood.

Basis:

The basis for permitting commercial uses in conjunction with the existing building at 2434 Barton Street East, is as follows:

- 1) In tandem with the other components of the overall development proposal, a more clear consolidation and delineation of the various land uses will occur; and,
- 2) The overall development will blend harmoniously with the existing streetscape and act as a complementary part of the neighbourhood.

Actual Changes:

Schedule "A" - Land Use Concept of the Official Plan be revised be re-designating the rear portion of the parcel of land known municipally as 2434 Barton Street East from "Residential" to "Commercial", as shown on the attached Schedule "A" of this Amendment.

Implementation:

A Zoning By-law amendment will give effect to the intended use on the subject lands.

This is Schedule "1" to By-law No. 98- , passed on the day of , 1998.

**The Corporation of the
City of Hamilton**

Clerk

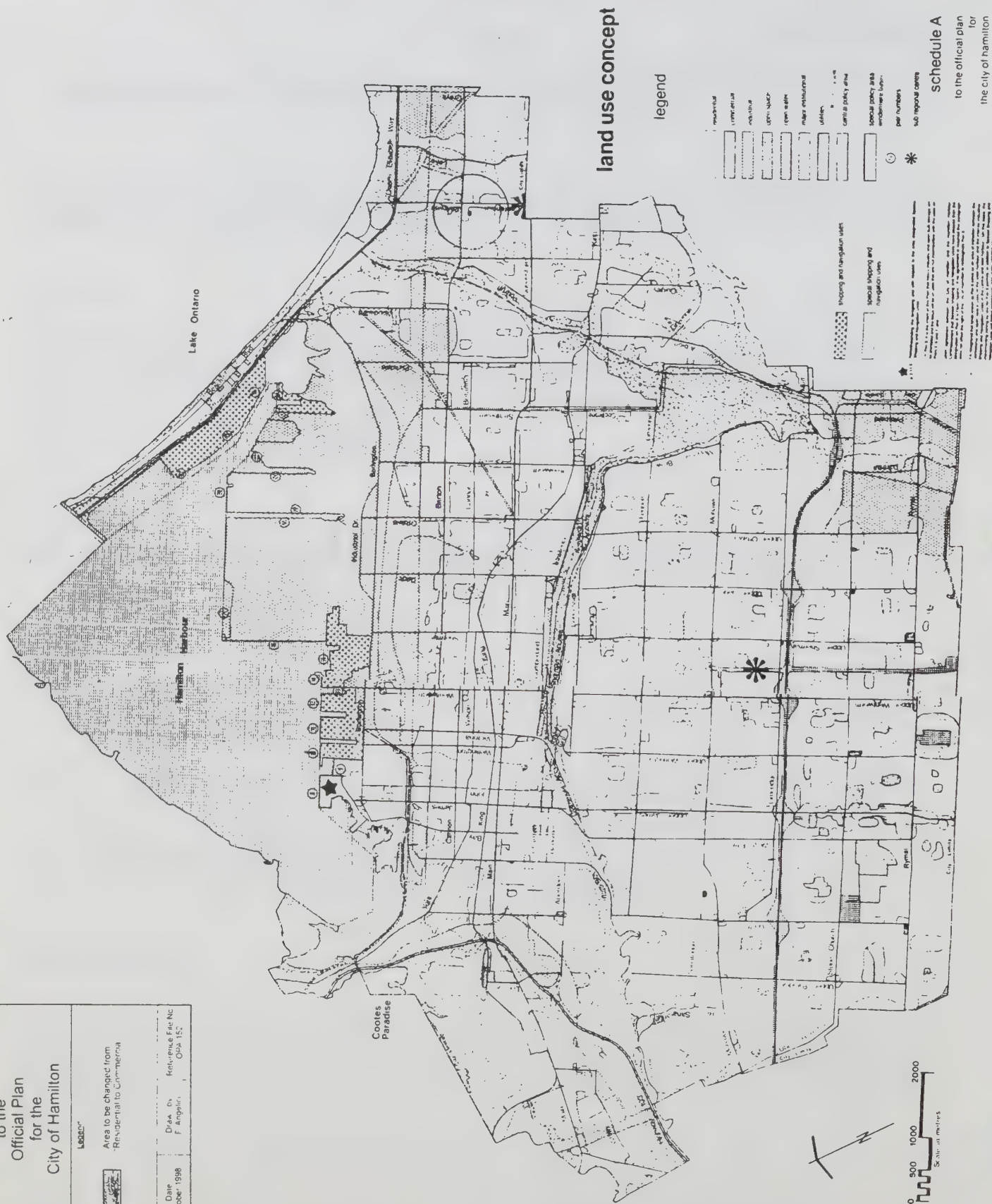
Mayor

Schedule "A"
Amendment No. 152
to the
Official Plan
for the
City of Hamilton

Legend

Area to be changed from
Residential to Commercial

Date	Drawn by	Reference File No
October, 1998	F. Angelini	OPA 152



The Corporation of the City of Hamilton

BY-LAW NO. 98-

To Adopt:

Official Plan Amendment No. 157

Respecting:

**LANDS AND WATER LOCATED WEST OF EASTPORT DRIVE AND SOUTH OF
PIER 25 (WINDERMERE BASIN)**

The Council of The Corporation of the City of Hamilton enacts as follows:

1. Amendment No. 157 to the Official Plan of the Hamilton Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.
2. It is hereby authorized and directed that such approval of the Official Plan Amendment referred to in section 1 above, as may be requisite, be obtained and for the doing of all things for the purpose thereof.

PASSED this 24th day of November A.D. 1998

CLERK

MAYOR

1998 20. R.P.D.C (14a), November 24
OPA 157

Amendment No. 157

to the

City of Hamilton Official Plan

The following text together with Schedule "A" – Land Use Concept, constitutes Official Plan Amendment No. 157 .

Purpose and Location:

The purpose of this Amendment is to redesignate land and water from "Special Policy Area: Windermere Basin" to "Open Space" and "Open Water", for lands and water located west of Eastport Drive, and south of Pier 25, and known as Windermere Basin.

Basis:

The basis for the redesignating the area for open space and open water uses is as follows:

- 1) the high visibility and accessibility of the subject area provide opportunities to improve the City's image by developing the lands for open space and low intensity cultural/recreational activities which will allow a more natural and "softer" landscape treatment;
- 2) there are a number of environmental considerations/constraints, which support the need to protect and enhance the environmental qualities of the area;
- 3) it is the last remaining open space opportunity on the south side of Hamilton Harbour;
- 4) the preliminary estimates indicate there is an adequate supply of land available in the City for heavy industry;
- 5) the area has no dockwall, therefore it is less attractive for shipping and navigation uses;
- 6) the location is central to a Provincial trail system including the Red Hill Creek Trail, Bruce Trail and Lake Ontario Waterfront Trail;
- 7) the open space uses will have less impact on nearby residential uses and will act as a buffer between the heavy industrial uses in the central Bayfront and the residential uses to the north and south; and,
- 8) the Basin is the mouth of the Red Hill Creek and provides an area to collect sediments from the up stream flow of the Creek.

Actual Changes:

1. Schedule "A" - Land Use Concept of the Official Plan be revised by:
 - a) redesignating the subject area from "Special Policy Area: Windermere Basin" to "Open Space" and "Open Water"; and,
 - b) deleting "Special Policy Area: Windermere Basin" from the legend.
2. Subsection A.2.5 – Open Water be revised by adding a new policy as follows:

"A.2.5.4 Notwithstanding the designation of Windermere Basin as OPEN WATER and subject to policy A.2.9.3.2, the preferable uses for Windermere Basin are for aesthetic, ecological and scientific activities."
3. Delete Policy A.2.9.3.2 and replace with the following:

"A.2.9.3.2 The following policies apply to the area designated as "Open Space" and "Open Water" on Schedule "A", and shown on Schedule "B" as SPECIAL POLICY AREA 4:

 - i) In addition to the permitted uses set out in Subsection A.2.4 - Open Space Uses, a visitor centre, museum, trail centre and information centre uses will also be permitted;
 - ii) It is recognized there is the potential for site contamination on the lands designated "Open Space" and accordingly, a Record of Site Condition will be required to be submitted to the Region and the Province prior to approval of any development;
 - iii) An Environmental Impact Statement will be required prior to any development to evaluate the impacts of the proposal on the existing Environmentally Significant Areas and determine the impacts of encouraging habitat given present soil and water quality concerns; and,
 - iv) Urban design guidelines for the area will be prepared based on the following basic principles:

- a) Windermere Basin is a special area with wildlife and fish habitats. Accordingly, a minimum 9 m "landscape buffer" should be established around the entire edge of Windermere Basin to enhance the wildlife and fish habitat and provide the potential for trails. The buffer could enhance the views of the area.
- b) Structures should be designed with architectural interest and be enhanced by landscaping. Buildings should be sited to provide interesting views and, where possible, enhance vistas and focal points.
- c) Street plantings and maintenance will add to the image of the area.

Implementation:

A Zoning By-law Amendment will give effect to the intended use of the subject lands.

This is Schedule "1" to By-law No. 98- , passed on the 24th day of November, 1998.

The Corporation of the

City of Hamilton

Clerk

Mayor

The Corporation of the City of Hamilton

BY-LAW NO. 98-

To Amend:

Zoning By-law No. 6593

Respecting:

**LANDS LOCATED WEST OF EASTPORT DRIVE, SOUTH OF PIER 25
KNOW AS WINDERMERE BASIN**

WHEREAS it is intended to change the zoning of the lands and to establish special requirements under Section 19B of By-law No. 6593, hereinafter referred to by amending By-law No. 6593, passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of the Corporation of the City of Hamilton passed By-law No. 83-240 on the 27th day of July 1983, to rezone the lands in the East and West Harbour, and with respect to the Windermere Basin established zoning of the land below water and including the existing water area as "L-s" (Planned Development - Special Study Area) District, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A-6";

AND WHEREAS the Council of the Corporation of the City of Hamilton passed By-law No. 83-259 on the 31st day of August 1983, to amend By-law No. 83-240 in order to clarify the application of the by-law;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982, as amended by Official Plan Amendment No. 157, proposed by the Council of The Corporation of the City of Hamilton but not yet approved by The Regional Municipality of Hamilton-Wentworth in accordance with the provisions of Sections 4, 17 and 21 of the Planning Act, R.S.O. 1990, Chapter P.13.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet Nos. E-70, E-80, E-80a, E-80b and E-80c of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "L-s" (Planned Development - Special Study Area) District to "A" - "H" (Conservation, Open Space, Park and Recreation - Holding) District, the land comprised in Blocks "1", "2" and "3"; and,
- (b) by changing from "L-s" (Planned Development - Special Study Area) District to "F-2" (Open Space - Harbour) District, the land comprised in Block "4",

the extent and boundaries of each of which Blocks 1, 2, 3 and 4 are shown on a plan hereto annexed as Schedule "A".

- 2. (a) The 'H' symbol applicable to the land referred to in section 1(a) shall be removed conditional on:

- (1) the owner submitting a signed Record of Site Condition (RSC) to the Region of Hamilton-Wentworth and the Ontario Ministry of Environment (MOE), to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOE;
 - (2) the owner submitting an Environmental Impact Statement (EIS) to the satisfaction of the Commissioner of Regional Environmental Services to evaluate the impacts of the specific proposals on the existing Environmentally Significant Areas (ESAs) and determine impacts of encouraging habitat given present soil and water quality concerns; and,
 - (3) the owner preparing and submitting a stormwater management plan to the satisfaction of the Commissioner of Regional Environmental Services and the Hamilton Region Conservation Authority;
- (b) The 'H' symbol shall be removed by amendment to this by-law and the development of the lands referred to in section 1(a) may at such time proceed in accordance with the "A" District provisions, subject to the special requirements in Section 3 of this By-law.

3. That the "A" (Conservation, Open Space, Park and Recreation) District provisions, as contained in Section 7 of Zoning By-law No. 6593, applicable to the land comprised in Blocks "1", "2" and "3", are amended to the extent only of the special requirement that,

- (a) That notwithstanding Section 7(1) of Zoning By-law No. 6593, the following uses shall also be permitted:
 - (i) Visitor Centre, Museum, Trail Centre, and Information Centre,
 - (ii) Accessory Uses
 - 1. Accessory buildings, structures, or uses.
 - 2. Refreshment stand.
 - (iii) Business Identification Signs that are Ground Signs or Wall Signs of an occupancy or use of land on which the sign is situate.
- (b) Every sign shall conform with the following requirements:
 - (i) No sign shall exceed 2.0 m in vertical dimension.
 - (ii) The total aggregate area of all signs shall not exceed 0.5 square metres for every 0.5 m of frontage on which the lot abuts.
 - (iii) Every wall sign shall be parallel to the wall to which it is affixed.
 - (iv) No sign shall be illuminated unless the source of light is steady and suitably shielded to contain illumination
- (c) Clauses (iii), (iv) and (v) of Section 7.(1) of Zoning By-law No. 6593 shall not be permitted.

4. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "A" District provisions, subject to the special requirements referred to in section 3.

5. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1418.

6. Sheet Nos. E-70, E-80, E-80a, E-80b and E-80c of the District Maps is amended by marking the lands referred to in section 3 of this by-law, S-1418.

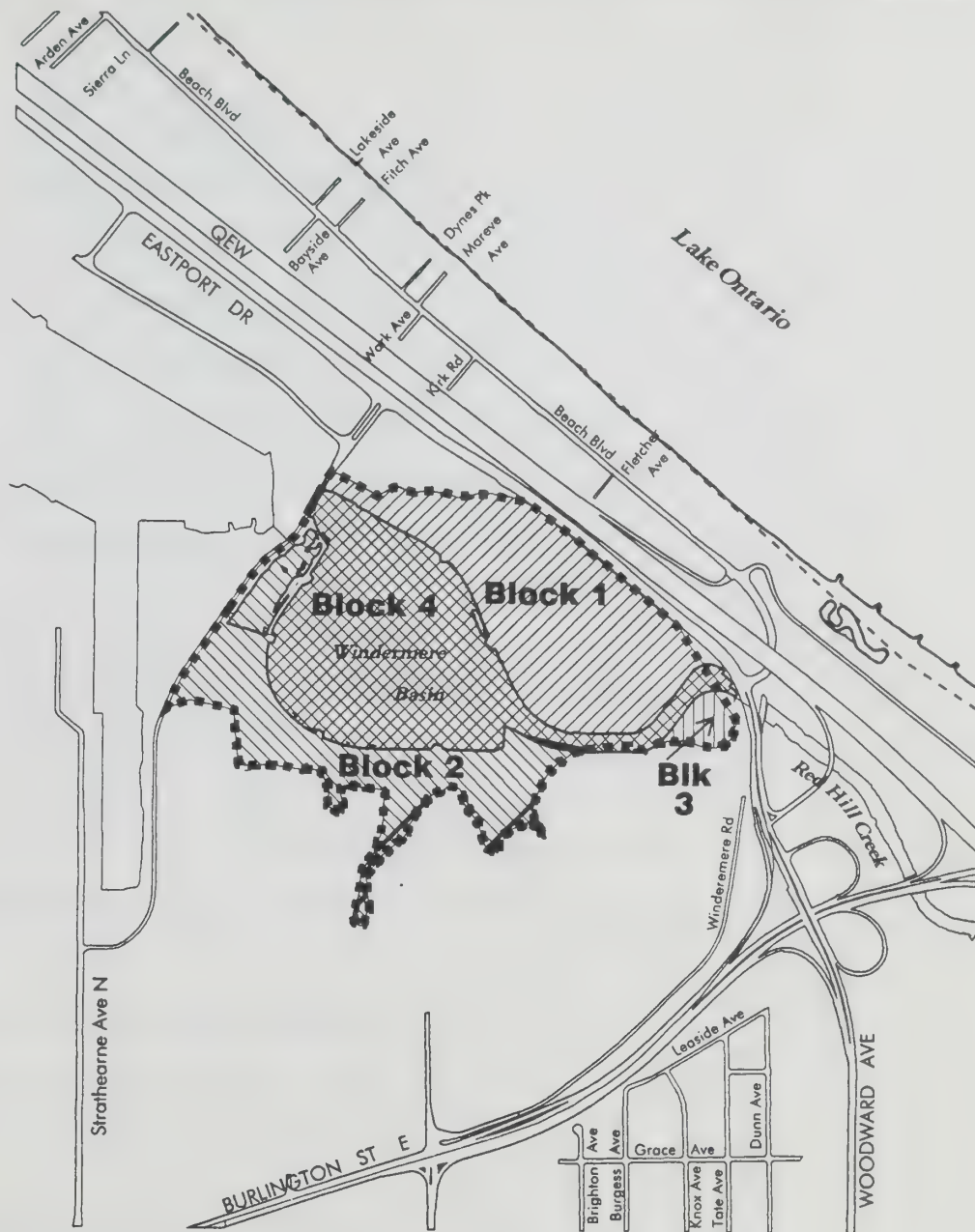
7. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 24th day November A.D. 1998.

CLERK

MAYOR

(1998) 20 R.P.D.C. 14(b), November 24
CI-98-C



This is Schedule "A" to By-Law No. 98-.....
Passed the day of, 1998.

Clerk

Mayor

City of Hamilton





Schedule "A"

Map Forming Part of
By-Law No. 98-____

to Amend By-Law No. 6593

Planning and Development Department

Legend

- Blocks
- 1  Change in Zoning from:
- 2  "L-s" (Planned Development - Special Study) District to "A" "H" (Conservation, Open Space and Recreation - Holding) District.
- 3  "L-s" (Planned Development - Special Study) District to "F-2" (Open Water) District.
- Block 4  "L-s" (Planned Development - Special Study) District to "F-2" (Open Water) District.

North



Scale
NOT TO SCALE

Date
October 1998

Reference File No.
CI-98-C

Drawn By
B. B.

The Corporation of the City of Hamilton

BY-LAW NO. 98-

To Establish:

Site Plan Control

Respecting:

**LAND LOCATED WEST OF EASTPORT DRIVE , SOUTH OF PIER 25,
KNOWN AS WINDERMERE BASIN**

WHEREAS By-law No. 79-275, passed on the 25th day of September 1979, under Section 35a of the Planning Act, as re-enacted by the Planning Amendment Act, 1979, S.O. 1979, Chapter 59, Section 1, [now Section 41 of the Planning Act, R.S.O. 1990, c. P. 13], as amended by By-law No. 98-173, passed on the 30th day of June 1998, established site plan control in various parts of the City of Hamilton as of November 1, 1979;

AND WHEREAS it is desirable to amend By-law No. 79-275 to establish site plan control on the land hereinafter referred to.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Schedule "B" to By-law No. 79-275 is amended by adding the following thereto:
 179. Land located at west of Eastport Drive, south of Pier 25 (known as Windermere Basin), shown on Appendix 179 hereto annexed and forming part of this by-law.
2. Appendix 179 to By-law No. 79-275 is hereto annexed as Schedule "A", and forms part of this by-law, and By-law No. 79-275, as amended.

PASSED this 24th day of November

A.D. 1998

CLERK

MAYOR

(1998) 20 R.P.D.C. 14c , November 24
CI-98-C



This is Schedule "A" to By-Law No. 98-.....
Passed the day of, 1998.

Clerk

Mayor

City of Hamilton

Appendix 179

to the By-Law No. 79-275
as Amended by By-Law No. 87-223

Planning and Development Department

Legend



Lands designated under this By-Law
as an area of Site Plan Control
pursuant to section 41 of the
Planning Act, R. S. O. 1990.

North



Scale

NOT TO SCALE

Date

November 1998

Reference File No.

CI-98-C

Drawn By

B. B.

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO.98-

TO AUTHORIZE AN EXTENSION AGREEMENT

FOR PAYMENT OF REALTY TAX ARREARS

WHEREAS the Municipal Tax Sales Act, R.S.O. 1990, c.M.60, (hereinafter referred to as the "Act"), states that the Council of a municipality may, by by-law, authorize an Extension Agreement with the owner of land in arrears of realty taxes in excess of three (3) years after the registration of a Tax Arrears Certificate and before the expiry of the one year redemption period;

AND WHEREAS the Municipal Tax Sales Act (section 8) states that the said Extension Agreement may extend the period of time, upon the terms specified therein, within which the Cancellation Price is to be paid;

AND WHEREAS, pursuant to the Municipal Tax Sales Act, the Treasurer did register a Tax Arrears Certificate indicating arrears of realty taxes in excess of three (3) years on the lands described in Schedule "A" annexed hereto,

AND WHEREAS, the said land is recorded by The Corporation of the City of Hamilton under the specific Tax Roll Serial Nos. indicated in Schedule "A" annexed hereto.

AND WHEREAS, The Owners of the lands described in Schedule "A" have requested that the City exercise its discretion to pass a bylaw to authorize an Extension Agreement to extend the period of time in which the Cancellation Price may be paid.

AND WHEREAS the one year period within which this by-law may be enacted will therefore expire on the days described as the redemption date of Schedule "A" attached hereto.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. (a) The time open for acceptance and the permitted payments of the Cancellation Price beyond the expiry of the said one year redemption period as set out in Schedule "A" are hereby authorized to be extended pursuant to an Extension Agreement.

(b) The owner of the land described in Schedule "A" may, on or before the redemption date, enter into the Extension Agreement with The Corporation of the City of Hamilton, and the Mayor and City Clerk are hereby authorized to execute the Extension Agreement on behalf of the City.
2. As provided in the Municipal Tax Sales Act, notwithstanding any other provision of this Extension Agreement, it is understood and agreed that while the Extension Agreement remains a subsisting agreement in good standing:

- (a) that the Extension Agreement does not reduce the amount of the Cancellation Price.
- (b) that the Extension Agreement does not prohibit any person from paying the Cancellation Price at any time.
- (c) that any person may pay the Cancellation Price at any time.
- (d) that the Extension Agreement terminates upon payment of the Cancellation Price by any person.
- (e) that the Extension Agreement shall cease to be considered a subsisting Extension Agreement for purposes of section 9(2) of the Act, when and under what conditions set out in the Extension Agreement.

3. As also provided in the Municipal Tax Sales Act,

- (a) while such Extension Agreement is in good standing, the period of such time shall not be counted in calculating the time within which the Cancellation Price may be paid.
- (b) upon default by owner in complying with the Extension Agreement or any term thereof, the Extension Agreement shall cease and, (unless there remains time within which the Cancellation Price may be paid and is paid), the land shall be offered for sale by the Treasurer.

PASSED this 24th day of November 1998, A.D.,

MUNICIPAL CLERK

MAYOR

SCHEDULE "A"
EXTENSION AGREEMENTS

1)	PROPERTY ADDRESS	760 Knox
	SERIAL NUMBER	05 04030 2900
	REDEMPTION DATE	September 29, 1999

BY-LAW NO. 98 -

CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 24th DAY OF NOVEMBER, 1998.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 24th day of November 1998

MUNICIPAL CLERK

MAYOR

CAY ON HBL AOS
A31
1998



The Urban/Municipal Collection
2nd Floor
Hamilton Public Library
+ Bill

1998 December 4

**URBAN
MUNICIPAL**

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**Tuesday, 1998 December 8
7:30 o'clock p.m.
Webster Room A, B & C
Hamilton Convention Centre**

URBAN MUNICIPAL

DEC 7 1998

GOVERNMENT DOCUMENTS

**J. J. Schatz,
Municipal Clerk**

AGENDA

- 1. National Anthem.**
- 2. Opening Prayer: Rev. Peter Wall, Christ the Cathedral**
Nominating Committee – To Appoint Citizen Members to various Committees
- 3. Adoption of the minutes of the meeting held 1998 November 24.**
- 4. Correspondence. (none at time of printing)**
- 5. Reports of the Standing Committees:**
 - (a) Transport and Environment Committee**
 - (b) Parks and Recreation Committee**
 - (c) Planning and Development Committee**
 - (d) Finance and Administration Committee**
 - (e) Nominating Committee**
- 6. Notices of Motion for next meeting.**
- 7. Appointment of an Acting Mayor for the month of January, 1999.**
- 8. Question Period.**
- 9. Adjournment.**

MINUTES



Minutes of Hamilton City Council
Tuesday, November 24, 1998
7:30 o'clock p.m.
Albion Room A, B & C
Hamilton Convention Centre

The Council met:

There were present: Mayor R. Morrow, Chairman; Aldermen M. Kiss, A. Horwath, M. Caplan, R. Corsini, B. Morelli, D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger, T. Jackson, B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan

Mayor R. M. Morrow called the meeting to order at 7:55 p.m.

Father Ron Synnott, St. Eugene's Parish led Council in prayer.

ADOPTION OF MINUTES

The minutes of the meeting held 1998 November 10 were adopted as circulated.

CORRESPONDENCE

1. Letter dated 1998 November 16 from the Hamilton Harbour Commissioners Re: 1997 Annual Report.

Received.

2. Application dated 1998 November 17 from Coopers and Lybrand Limited, Trustee of the Estate of Winfried Daniel Wiens for a modification to the "JJ" (Restricted Light Industrial) District to legalize the existing uses (Rental, Sales, Servicing and Storage of Construction and Industrial Equipment) for 2701 Barton Street East, Hamilton, Ontario.

Received.

3. Information Report dated 1998 November 16 from J. J. Schatz, Municipal Clerk respecting an objection to Zoning By-law 98-263 Re: 649 Upper James Street, Hamilton, Ontario.

Received.

4. Letter dated 1998 November 12 from Mel Lastman, Mayor for Toronto and Jack Layton, Councillor – Don River, (Chair, City Council Strategy Committee for People Without Homes), and Third Vice-President, FCM National Board of Directors Re: Homelessness crisis in Canada.

Referred to the Finance and Administration Committee.

5. Petition not dated with approximately 2,150 signatures Re: New No Smoking By-law.

Referred to the Finance and Administration Committee.

6. Mayor R. M. Morrow reported on issues resulting from the FCM Big City Mayors' Caucus Meeting with respect to Crime Prevention and Drug Treatment; Municipal Rights of Way and Homelessness.

Received.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Reports of the Planning and Development Committee, the Finance and Administration Committee, and the Nominating Committee, be considered in Committee of the Whole with Alderman O'Sullivan in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Copps, Collins, Eisenberger, Jackson, Anderson, Charters, Kelly, D'Amico, O'Sullivan. -17.

NAYS: -0.

CARRIED.

PLANNING AND DEVELOPMENT COMMITTEE – TWENTIETH REPORT
--

Section 1 Re: Subdivision Application 98-04 – Alfred Massi and Emidio Massi – Stone Church Road West and west of West Fifth

It was moved by Alderman D'Amico and seconded by Alderman Copps that Section 1 of the Twentieth Report of the Planning and Development Committee for 1998 respecting S.A. 98-04 (Regional File No. 25T-98010), and Z.A. 98-34 for lands located south of Stone Church Road West and west of West Fifth Street in the Sheldon Neighbourhood, be referred back.

CARRIED.

**Section 4 A and B Re: Official Plan Amendment No. 156 - 190 Gage Avenue South
Zoning Application 98-25, Taras Shevchenko Home for the Aged.
227 – 229 Maplewood Avenue**

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Haining, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Kelly, D'Amico, O'Sullivan. – 15.

NAYS: Alderman Anderson. -1. **CARRIED.**

**Section 15 Re: Agreement in Principle between Mohawk College - Zoning By-law 98-130
and Official Plan Amendment No. 147**

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, Kelly, D'Amico, O'Sullivan. –16.

NAYS: Alderman Copps. –1. **CARRIED.**

PLANNING AND DEVELOPMENT COMMITTEE – TWENTY-FIRST REPORT

Section 1 Re: Urban Entertainment Centre

Recorded vote.

YEAS: Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, Kelly, D'Amico, O'Sullivan. –15.

NAYS: Alderman Copps. –1. **CARRIED.**

FINANCE AND ADMINISTRATION COMMITTEE – TWENTY-SECOND REPORT

Section 2 Re: Purchasing Policy

Recorded vote.

YEAS: Mayor Morrow, Aldermen Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, Kelly, D'Amico, O'Sullivan. –15.

NAYS: Aldermen Kiss and Copps. –2.

CARRIED.

FINANCE AND ADMINISTRATION COMMITTEE – TWENTY-THIRD REPORT

Rule No. 9 Re: January 1999 Meeting Schedule

It was moved by Alderman Wilson and seconded by Alderman Eisenberger that Rule No. 9 of the City's Procedural By-law be invoked for this meeting of City Council in order to allow consideration of a resolution respecting Committee and Council meetings in 1999 January.

CARRIED.

* * * * *

Section 13 Re: January 1999 Meeting Schedule

It was moved by Alderman Wilson and seconded by Alderman Eisenberger that the following be added as Section 13 of the Twenty-Third Report for 1998 of the Finance and Administration Committee:

13. That Standing Committee meetings scheduled for the week of 1999 January 4th, and the City Council meeting scheduled for Tuesday, 1999 January 12th be cancelled.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, Kelly, D'Amico, O'Sullivan. –16.

NAYS: Alderman Copps. –1.

CARRIED.

RESOLUTION

Rule No. 9 Re: Rental of Additional Labour and Equipment for Snow Removal

It was moved by Alderman Collins and seconded by Alderman Eisenberger that Rule No. 9 of the City's Procedural By-law No. 95-167 be invoked for this meeting of City Council in order to allow the introduction of a resolution respecting the rental of additional labour and equipment for Snow Removal – 1997/1998 – 1998/1999 – 1999/2000. **CARRIED.**

* * * * *

Re: Rental of Additional Labour and Equipment for Snow Removal

It was moved by Alderman Collins and seconded by Alderman Eisenberger that purchase orders be issued to 2000 April 30, for the rental of additional labour and equipment for snow removal, in accordance with the specifications issued by the Purchasing Division and Vendor's tenders, as noted below, and that this expenditure be financed through the Hired Equipment Clearing Account No. CH56602 60999." **CARRIED.**

Motor Graders c/w Snow Plough & Snow Wing				
Hourly Rate Ceiling Cap		1998-99	1999-2000	
		\$160.00	\$164.00	
Name	Qty.	Rates	1998-99	1999-2000
E. Woytkiw Haulage Ltd.	1		\$160.00	\$164.00
NRG	2		\$160.00	\$164.00
Battaglia Contracting	2		\$160.00	\$164.00

Motor Graders Only				
Hourly Rate Ceiling Cap		1998-99	1999-2000	
		\$148.00	\$152.00	
Name	Qty.	Rates	1998-99	1999-2000
Battaglia Contracting	2		\$148.00	\$152.00
Danbill Equipment	1		\$147.00	\$152.00
Bill Price Grader Rentals	1		\$148.00	\$152.00
DVC Enterprises	1		\$148.00	\$152.00

Rubber Tired Front End Loaders				
Min. 950 Cat or Equiv. c/w Blade				
Hourly Ceiling Cap	1998-99	1999-2000		
	\$135.00	\$138.00		
Name	Qty.	Rates	1998-99	1999-2000
Battaglia Contracting	2		\$135.00	\$138.00

Rubber Tired Articulating Loaders				
min. 950 Cat or Equiv. c/w Blade				
Hourly Ceiling Cap	1998-99	1999-2000		
	\$135.00	\$138.00		
Name	Qty.	Rates	1998-99	1999-2000
T&H Truck Service	1		\$135.00	\$138.00
Battaglia Contracting	2		\$135.00	\$138.00

Rubber Tired 4WD Front End Loaders Min 580K Case c/w Blade				
Hourly Ceiling Cap	1998-99	1999-2000		
	\$75.00	\$77.00		
Name	Qty.	Rates	1998-99	1999-2000
E. Woytkiw Haulage Ltd.	1		\$75.00	\$77.00
Serbula Construction Ltd.	1		\$75.00	\$77.00
Chastney Haulage & Excavating	1		\$75.00	\$77.00
Battaglia Contracting	2		\$75.00	\$77.00

NOMINATING COMMITTEE – SEVENTH REPORT

ACTING MAYOR FOR THE MONTH OF DECEMBER, 1998

It was moved by Alderman Kiss and seconded by Alderman Caplan that Alderman T. Anderson be appointed Acting Mayor for the month of December, 1998. **CARRIED.**

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Reports of the Planning and Development Committee, the Finance and Administration Committee, the Nominating Committee, and resolutions, be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, Kelly, D'Amico, O'Sullivan. -17.

NAYS: -0.

CARRIED.

* * * * *

City Council then adjourned at 8:30 o'clock p.m.

* * * * *

Taken as read and approved.

**MAYOR R. M. MORROW
CHAIRMAN**

**J. J. Schatz
Municipal Clerk
1998 November 24
JJS/dg**

C O R R E S P O N D E N C E

TRANSPORT AND ENVIRONMENT COMMITTEE

1998 December 8

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Transport and Environment Committee presents its **FOURTEENTH** Report for 1998 and respectfully recommends:

1. That the appropriate By-law be prepared to the satisfaction of Corporate Counsel, to stop-up and close a portion of Scenic Drive being described as Parts 1, 2 and 3, on Plan 62R-14782:
 - (a) retaining Parts 1 and 3, on Plan 62R-14782; and,
 - (b) selling Part 2, on Plan 62R-14782be enacted by Council.
2. That a "Wheelchair Loading Zone, 8:00 a.m. to 6:00 p.m., Seven Days a Week" regulation be implemented on the west side of Edgemont Street North commencing at a point 23 feet south of Dunsmure Road and extending to a point 26 feet southerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly.
3. That the existing "Permit Parking" regulation on the both sides of Brant Street between Wentworth Street and Niagara Street be replaced with a "One Hour Parking Time Limit, 24 hours a day, seven days a week" regulation and that the City Traffic By-law No. 89-72 be amended accordingly.
4.
 - (a) That the existing "Alternate Side Parking" regulation on Tragina Avenue North be replaced with a full-time "No Parking" regulation on the west side of the street, commencing at Britannia Avenue and extending to a point 260 feet northerly therefrom, and a full-time "Permit Parking" regulation on the east side of the street, commencing at Britannia Avenue and extending to a point 263 feet northerly therefrom, and that the City Traffic By-law, No. 89-72, be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized and directed to issue, upon request, up to a maximum of eight parking permits to eligible applicants whose properties abut the requested regulation.

5.
 - (a) That a "Permit Parking" regulation be implemented on the east side of Ray Street North commencing at a point 212 feet north of York Boulevard and extending to a point 17 feet northerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. Ron DePaulo, No. 144 Ray Street North.
6. That the existing "No Stopping, 4:00 p.m. to 6:00 p.m., Monday to Friday" regulation on the west side of Bay Street North between Strachan Street and Burlington Street West be removed, and that the City Traffic By-law No. 89-72 be amended accordingly.
7.
 - (a) That a "Permit Parking" regulation be implemented on the west side of Fairfield Avenue commencing at a point 471 feet north of Vansitmart Avenue and extending to a point 19 feet northerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mrs. Sherri Blainey, No. 409 Fairfield Avenue.
8. That the existing full-time "Wheelchair Loading Zone" regulation on the east side of Ferndale Avenue commencing at a point 121 feet south of Dunkirk Drive and extending to a point 28 feet southerly therefrom be relocated such that the regulation commences 140 feet south of Dunkirk Drive and extends to a point 28 feet southerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly.
9.
 - (a) That an "Alternate Side Parking" regulation be implemented on Colin Crescent from end to end such that parking is prohibited:
 - (i) on the west side of the street during the months of December, January, February and March, and from the 1st to the 15th day of April, May, June, July, August, September, October and November; and,
 - (ii) on the east side of the street from the 16th to the last day of April, May, June, July, August, September, October and November; and,
 - (b) That the City Traffic By-law No. 89-72 be amended accordingly.
10. That the existing eastbound and westbound stop control on Brigade Drive at Republic Avenue be removed and that the City Traffic By-law No. 89-72 be amended accordingly.

11. That a purchase order be issued to Canadian Corps of Commissionaires (Hamilton) for parking enforcement services for 1999, in accordance with the conditions of the vendor's quote attached hereto as Appendix "A" as follows:

Master Warrant Officer	-	\$12.64/hr
Commissionaire	-	\$11.27/hr

12. That a full-time "No Stopping" driveway clearance be implemented on the north side of Brampton Street, commencing at a point 181 feet west of Brighton Avenue and extending to a point 140 feet westerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly.

13. That the existing "Taxi Stand, 7:00 a.m. to 6:00 p.m., Monday to Friday" regulation on the west side of Hess Street North commencing at a point 82 feet north of York Boulevard and extending 60 feet northerly be removed, and that the City Traffic By-law No. 89-72 be amended accordingly.

14. That a purchase order be issued to 3M Canada Inc., London, Ontario, for the supply and delivery of traffic sign sheeting as and when required during 1999 by the Public Works and Traffic Department, as per the prices submitted by 3M Canada Inc. on their tender dated 1998 January 6, being a continuation of pricing received and approved in 1998, and that this expenditure be financed through the Traffic Signs Materials Account No. CH-56154 75999.

15. (a) That the following Hamilton Street Railway (HSR) bus stops be installed:

Route No. 56 CONFEDERATION PARK

Add - Northbound	Centennial Parkway North, east side, 47 feet south of Arrowsmith Road (N/S); and,
Add - Northbound	Centennial Parkway North, east side, 62 feet south of Goderich Road (N/S); and,
Add - Southbound	Centennial Parkway North, west side, 19 feet north of Goderich Road (N/S); and,
Add - Southbound	Centennial Parkway North, west side, 49 feet north of Arrowsmith Road (N/S); and,

- (b) That the City Traffic By-law No. 89-72 be amended accordingly.

16. (a) That the City land being part of Lots 21, 22 and 23, Registered Plan 1431, designated as Part 5, on Plan 62R-10520 be incorporated into an existing 12 foot alley lying immediately north of said Lots 21, 22 and 23; and,
 - (b) That the By-law to carry out the incorporation of the said land into the foregoing alley be prepared to the satisfaction of the Corporate Counsel and be enacted by Council; and,
 - (c) That the Commissioner of Transportation be authorized and directed to register the By-law.
17. (a) That the portion of Section 9 of the Ninth Report of the Transport and Environment Committee for 1990 adopted by City Council 1990 June 26 which refers to the approval of engineering schedules for **"Effort Gardens", Hamilton**, be deleted; and,
 - (b) That the revised submitted schedules of works be adopted for inclusion in the Subdivision Agreement with the Owner for the estimated costs of services in:

"Effort Gardens - Phase 1, Hamilton

City's share \$ 86,049.68, Owner's share \$ 781,439.32; and,

- (c) That the Mayor and City Clerk be authorized and directed to execute the proposed Subdivision Agreements with the Owners of "Effort Gardens -Phase 1", , Hamilton, as well as and any other related documents for these Subdivisions subject to the approval of the City Solicitor; and,
 - (d) That the approval of the above-noted clauses be subject to the condition that no work be commenced until the Final Plan and Subdivision Agreement have been registered; and,
 - (e) In the event that the owner wishes to proceed prior to the registration of the Final Plan and Subdivision Agreement being registered the owner should be allowed to do so at their own risk provided that the owner enters into a standard agreement with the City of Hamilton for pre-servicing.
18. That purchase orders be issued to 2000 April 30, for the rental of additional labour and equipment for snow removal, in accordance with the specifications issued by the Purchasing Division and Vendor's tenders, detailed in the attached Appendix "B", and that this expenditure be financed through the Hired Equipment Clearing Account No. CH56602 60999.

1998 December 8

19. That purchase orders be issued for the supply and delivery of treated sand as and when required for the 1998-1999, 1999-2000, 2000-2001 winter seasons by the Department of Public Works and Traffic in accordance with specifications issued by purchasing and vendors' tenders and be financed through stock materials account no. CH 56197 60999, as follows:

Washington Sand & Gravel	<u>1998</u>	<u>1999</u>	<u>2000</u>
Delivered by Truck	\$17.32/tonne	\$17.84/tonne	\$18.37/tonne

20. (a) That the Regional Environmental Services Department be advised that the City wishes to renew the lease of Regional lands at Nos. 77-79 Mary Street for the purpose of operating two municipal car parks; and,
- (b) That Car Park No. 29, which occupies the property at No. 79 Mary Street, be closed at least temporarily.
21. (a) That Municipal Car Park No. 39A, 314 Grosvenor Avenue North, be reopened on a trial basis for six months; and,
- (b) That staff be directed to report back on the financial viability of keeping this municipal car park open on a permanent basis at the end of the six month trial period; and,
- (c) That the Municipal Parking Facilities By-law No. 98-110 be amended to provide parking at the rate of \$0.50 per hour at this location.
22. (a) That the parking rates at Car Park No. 7 (Main Street East and Ferguson Avenue South) and Car Park No. 8 (King Street East and Jarvis Street) be decreased as follows:
- (i) from \$1.10 per hour to \$0.50 per hour; and,
- (ii) from \$64.49 per month to \$50.00 per month; and,
- (b) That a \$3 maximum daily rate be established for these lots; and,
- (c) That the Municipal Parking Facilities By-law No. 98-110 be amended accordingly.
23. (a) That approval be granted to the Hamilton Street Railway Company to enter into a Licence Agreement to construct and maintain a 5 foot by 11 foot bus shelter located on City lands on the north side of Mohawk Road East and Upper Wentworth Street (Sackville Hill Seniors' Centre), at an annual fee of \$1, be credited to Account No. CH 44104 31106 (Rent/Fees – Civic Property); and,

- (b) That it be understood and agreed that the Hamilton Street Railway Company remove said bus shelter if required by the City for any purpose, given thirty (30) days written notice without reservation; and,
 - (c) That it be understood and agreed that upon execution of the Transit Shelter Licence Agreement, the Hamilton Street Railway Company agrees to register said Agreement on Title to the City's lands and provide the City with a duplicate registered copy of said Agreement; and,
 - (d) That the Mayor and Municipal Clerk be authorized and directed to execute the necessary Licence Agreement in a form satisfactory to the Corporate Counsel.
24. (a) That the Commissioner of Public Works and Traffic be authorized and directed to issue a purchase order to H.I.P. Hot-in-Place Recycling Equipment Inc. in the amount of \$63,928.75 exclusive of GST for extra work in conjunction with the 1998 H.I.P. Program; and,
- (b) That the additional cost be charged to the 1998 Reconstruction Program – Hot-in-Place Asphalt Recycling – Account CF 5200 529842013.
25. That the City of Hamilton indicate to the Regional Municipality of Hamilton-Wentworth its support for a demonstration project showing the advantages and effects of narrowing King Street West, James Street to Bay Street, from five lanes to three, to be achieved using on-street parking and loading, to be undertaken as soon as practicable and to be funded from the Region's Smart Moves account.
26. That three way stop control be implemented at the intersection of Highridge Avenue and Isle Street and that the City Traffic By-law No. 89-72 be amended accordingly.
27. (a) That the "Two Hour Free Parking" program in the York Boulevard Parkade be continued; and,
- (b) That staff monitor and report back annually on the effects that this program is having on the usage of the York Boulevard Parkade.
28. (a) That the Department of Public Works and Traffic, Parking Services Section 1998 Current Budget, (Appendix "C" as distributed to Council under separate cover) reflecting a deficit of \$734,420 be approved to be transferred to the Reserve for Off-street Parking; and,
- (b) That the Commissioner of Public Works and Traffic be directed to develop and recommend a business plan to retire the debt and capital loan balance.

29. (a) That staff be authorized and directed to negotiate the terms and conditions under which MetroNet Communications Limited would be permitted to place and maintain cable on, under and above City of Hamilton streets, and to utilize the facilities of other existing utility companies, for the purposes of establishing and maintaining a system of telecommunications within the City; and,
- (b) That pending the execution of the aforesaid Licence Agreement, MetroNet Communications Limited may be permitted to place and maintain cable on, under and above City of Hamilton streets, at their own expense and liability, and on the condition that any such cable may be required to be removed at any time at the expense of MetroNet Communications Limited upon notice by the City, upon the issuance of a permit by the Commissioner of Transportation upon such terms and conditions as he deems appropriate; and,
- (c) That the City of Hamilton Council endorse AMO Resolution 05-98 which recognizes that "private use of public lands must not result in costs or liabilities to property tax payers and that municipalities must be compensated for the use of these public lands", and forward this endorsement to the Province.
30. (a) That a "Permit Parking" regulation be implemented on the west side of Niagara Street commencing at a point 50 feet north of Brant Street and extending to a point 105 feet northerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly; and,
- (b) That the Commissioner of Public Works and Traffic be authorized to issue two parking permits to No. 57 Niagara Street and one parking permit to No. 59 Niagara Street (to a maximum of three) on a first come first served basis.
31. That four way stop control be implemented at the intersection of Sherwood Rise and High Street and that the City Traffic By-law No. 89-72 be amended accordingly.
32. That staff issue a one time limit exemption permit to Mr. P. Haylock, No. 72 Nicklaus Drive.
33. That, as a result of the Province no longer funding Municipal road construction for which Provincial gasoline tax and tire tax (\$5 per tire) is collected, the Province be requested to turn over to the City of Hamilton all revenues collected through this taxation.
34. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
- (a) A-80 A By-law to Amend Traffic By-law No. 89-72 to Regulate Traffic

1998 December 8

- (b) A-81 A By-law to Amend Traffic By-law No. 89-72 to Regulate Traffic
- (c) A-82 A By-law to Amend By-law No. 98-110 Respecting the Construction, Maintenance, Operation, Management and Regulation of Municipal Parking Facilities
- (d) A-83 A By-law to Stop-up and Close a Portion of Scenic Drive Designated as Parts 1, 2 and 3 on Plan 62R-14782 and to retain Parts 1 and 3 on Plan 62R-14782, and to sell Part 2, on Plan 62R-14782
- (e) A-84 A By-law to Incorporate City Land Designated as Part 5, on Plan 62R-10520 into an existing alley

Respectfully Submitted,

**ALDERMAN CHAD COLLINS, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE**

**Tina Agnello
Acting Secretary
1998 November 30**

Appendix "A" as referred
to in Section 11 of the
Fourteenth Report of the
Transport and Environment
Committee for 1998

CITY OF HAMILTON
BY-LAW ENFORCEMENT

	REGULAR RATE	OVERTIME RATE	STAT HOLIDAY WORKED	STAT HOLIDAY NOT WORKED
Warrant Officer	\$10.19	\$15.29	\$25.48	\$10.19
Administrative Fee 24%	2.45	3.67	6.11	2.45
Billing Rate	\$12.64	18.96	31.59	12.64
	REGULAR RATE	OVERTIME RATE	STAT HOLIDAY WORKED	STAT HOLIDAY NOT WORKED
Sergeant	\$9.84	\$14.76	\$24.60	\$9.84
Administrative Fee 24%	2.36	3.54	5.90	2.36
Billing Rate	\$12.20	\$18.30	\$30.50	\$12.20
	REGULAR RATE	OVERTIME RATE	STAT HOLIDAY WORKED	STAT HOLIDAY NOT WORKED
Commissionaire	\$9.09	\$13.64	\$22.73	\$9.09
Administrative Fee 24%	2.18	3.27	5.45	2.18
Billing Rate	\$11.27	16.91	28.18	11.27

NOTE: The GST (7%) is to be added to the Billing Rate.

Rental of Grading Equipment - Winter

Appendix "B" as referred
to in Section 18 of the
Fourteenth Report of the
Transport and Environment
Committee for 1998

Motor Graders c/w Snow Plough & Snow Wing		
Hourly Rate Ceiling Cap	1998-99	1999-2000
	\$160.00	\$164.00

Name	Qty.	Rates	1998-99	1999-2000
E. Woytkiw Haulage Ltd.	1		\$160.00	\$164.00
NRG	2		\$160.00	\$164.00
Battaglia Contracting	2		\$160.00	\$164.00

Motor Graders Only		
Hourly Rate Ceiling Cap	1998-99	1999-2000
	\$148.00	\$152.00

Name	Qty.	Rates	1998-99	1999-2000
Battaglia Contracting	2		\$148.00	\$152.00
Danbill Equipment	1		\$147.00	\$152.00
Bill Price Grader Rentals	1		\$148.00	\$152.00
DVC Enterprises	1		\$148.00	\$152.00

Rubber Tired Front End Loaders Min. 950 Cat or Equiv. c/w Blade		
Hourly Ceiling Cap	1998-99	1999-2000
	\$135.00	\$138.00

Name	Qty.	Rates	1998-99	1999-2000
Battaglia Contracting	2		\$135.00	\$138.00

Rubber Tired Articulating Loaders min. 950 Cat or Equiv. c/w Blade		
Hourly Ceiling Cap	1998-99	1999-2000
	\$135.00	\$138.00

Name	Qty.	Rates	1998-99	1999-2000
T&H Truck Service	1		\$135.00	\$138.00
Battaglia Contracting	2		\$135.00	\$138.00

Rubber Tired 4WD Front End Loaders Min 580K Case c/w Blade		
Hourly Ceiling Cap	1998-99	1999-2000
	\$75.00	\$77.00

Name	Qty.	Rates	1998-99	1999-2000
E. Woytkiw Haulage Ltd.	1		\$75.00	\$77.00
Serbula Construction Ltd.	1		\$75.00	\$77.00
Chastney Haulage & Excavating	1		\$75.00	\$77.00
Battaglia Contracting	2		\$75.00	\$77.00

PARKS AND RECREATION COMMITTEE

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Parks and Recreation Committee presents its **TWELFTH** Report for 1998 and respectfully recommends:

1. (a) That the final Report entitled "Market and Operations Study for Hamilton's Aviary" dated November 1998 as prepared by Roger Jones and Associates and the Economic Planning Group of Canada be received pending consideration of project status by the RBG; and,

 (b) That subject to the determination of the City Manager, staff be authorized to meet with RBG representatives and other possible partners for the purpose of advancing study findings.
2. (a) That the General Manager, Community Services be authorized to enter into a second licence agreement in a form satisfactory to the City Solicitor for use of space at the Hamilton Scourge Laboratory, located at McMaster University, by an outside Conservator for a period of 12 months commencing December 1, 1998 on an exchange of services for rent basis; and,

 (b) That the Mayor and the Municipal Clerk be authorized to execute the agreement on behalf of the City.
3. That approval of the action taken by the General Manager, Community Services to contract Hands Fireworks Inc. to hold a ground level fireworks display on November 24th, 1998 at Commonwealth Square as part of the Hamilton Tiger Cat Appreciation Parade and Rally, be approved as required by Section 17 (1) and Section 26 of the Fireworks By-Law No. 90-198 and Section 5 of the Parks By-Law No. 95-126 as amended, and under the Standard Terms and Conditions of the Special Events Guidelines.
4. (a) That the General Manager, Community Services be authorized to sell, through a seller agent, a City owned Freeze Dryer; and,

 (b) That the funds realized through the sale be directed to a Work-In-Progress account to be used for the conservation and preservation of the City of Hamilton museum collections.

5. (a) That approval be granted to the following Community Councils to conduct horse drawn wagon rides, bonfires, skating parties, lumberjack games/demonstrations and various large Winterfest family activities on the dates listed below:

<u>COMMUNITY COUNCIL</u>	<u>DATE/99</u>	<u>LOCATION</u>
North Central	January 23	North Central Park
Friends of Gage Park	January 30	Gage Park
Gourley Park	January 30	Gourley Park
Riverdale	January 30	Warden Park
St. Clair	January 31	Myrtle Park
Eleanor	January 31	Eleanor Park
Strathcona	January 31	Victoria Park

;and,

- (b) That approval be granted to hold midway rides in the Leander Boat Club parking lot on February 5, 6, 7, 1999 as part of the Winterfest Carnival, subject to the Special Event Guidelines Terms and Conditions; and,
- (c) That permission be granted, as required by Parks By-Law No. 95-125, as amended, Section 5, 12 (a) and Section 35 to hold a fireworks display, bonfires and bring animals into Chedoke Winter Sports Park and Pier 4 Park on February 5, 6, 7, 1999 and in the specified parks referenced above.

6. That a blanket order be issued for the supply of food products for the Food Services Section within the Culture and Recreation Department during 1998 – 1999 to an upset limit of \$400,000, divided among the companies mentioned below on the basis of best product, price and delivery service at time of purchase of commodity:

- (a) Allind (Harper), Hamilton
- (b) Serca, Hamilton
- (c) Lincs Wholesale, Hamilton
- (d) Finlay Greenwood, Hamilton
- (e) Flanagans Foodservices, Hamilton
- (f) J & D Foods Produce, Hamilton
- (g) Hershey Canada Foodservices, Hamilton
- (h) Nestle Canada Foodservices, Hamilton
- (i) GT French, Hamilton
- (j) Golden Horseshoe, Burlington
- (k) Hamilton Baking Company, Hamilton
- (l) Wally Parr Sausage, Hamilton
- (m) Nelson Laundry, Hamilton
- (n) Effem Canada, Bolton
- (o) Wonderland Foodservices Company, Mississauga

7. (a) That a one-sided plaque commemorating the historical significance of the Pioneer Memorial United Church congregation site, the wording of which is attached hereto and marked Appendix "A", be approved and later installed at the Bartonville Cemetery facing King Street East; and,
- (b) That a one-sided plaque commemorating the historical significance of the St. Clair Avenue and the St. Clair Boulevard Heritage Conservation Districts, the wording of which is attached hereto and marked as Appendix "B", be approved and later installed on the Boulevard at Delaware Avenue and St. Clair Boulevard; and,
- (c) That funding in the amount of \$4,000 be provided from Account No. CH 55976 71505 (Plaquing Account) with the St. Clair Avenue/St. Clair Boulevard Heritage Conservation Districts and the congregation of Pioneer Memorial Church each contributing an additional \$500 (approximate) plus installation costs towards the purchase of these plaques.
8. (a) That the following citizen members be appointed to serve on the Arts Advisory Commission:
- | | |
|--------------|---------------------------------------|
| Jim Auty | for a term to expire 2000 November 30 |
| Les Drysdale | for a term to expire 2001 November 30 |
- (b) That the following citizen members be appointed to serve on the Hamilton Historical Board:
- | | |
|------------------|---------------------------------------|
| Kathy Renwald | for a term to expire 1999 November 30 |
| Tom Cooper | for a term to expire 2001 November 30 |
| David DiGregorio | for a term to expire 2001 November 30 |
| Robin McKee | for a term to expire 2001 November 30 |
| Walter Peace | for a term to expire 2001 November 30 |
9. (a) That the Tariff of Charges for City-owned cemeteries as set out in the Schedule of User Fees and Other Revenues, attached hereto and marked Appendix "C", be approved upon receipt of approval from the Ministry of Consumer and Commercial Relations, Cemeteries Branch and implemented on January 1, 1999; and,
- (b) That the City Solicitor be authorized and directed to prepare a By-Law to amend the Cemetery By-Law so as to provide for the increase in the Tariff of Charges; and,
- (c) That the Manager of Cemeteries be authorized and directed to make application to the Ministry of Consumer and Commercial Relations, Cemeteries Branch for approval of these rates; and,
- (d) That the increased User Fee Revenues be a component in the 1999 Department Current Budget Reductions.

10. (a) That the Affiliation Policy – Hamilton Minor Sports Organizations, attached hereto and marked Appendix "D" be approved; and
- (b) That the General Manager, Community Services be authorized and directed to implement this Policy among the City's minor sports organizations.
11. (a) That the City's Agreement of Purchase & Sale with the Hamilton Region Conservation Authority respecting the City's purchase of lands on Hamilton Beach from the Conservation Authority be amended as outlined below, to accommodate:
 - (i) anticipated revised conditions of the Ministry of Natural Resources' approval of this transaction; and,
 - (ii) the Ministry of Transportation's surveys requirements in respect of the former MTO surplus lands included in the City's purchase from the HRCA: and,
 - (iii) the City's acquisition of the extensive lands from the HRCA;
- (b) That the MNR Provincial share of the selling costs, after being received by the HRCA, be forwarded by the Authority to the Waterfront Regeneration Fund or alternatively, be held by the Hamilton Region Conservation Authority in a reserve designated for the Hamilton Beach Recreational Trail; and,
- (c) That all references in the Agreement of Purchase & Sale to the Waterfront Regeneration Fund holding the said funds for application to the Waterfront Trail also apply to the Hamilton Region Conservation Authority in the event the Minister directs such purchase funds to the Conservation Authority; and,
- (d) That those MTO surplus lands to be acquired by the HRCA and to be included in HRCA's sale to the City, be acquired by the City, (if necessary to accommodate MTO's requirements for its surveys and transfers to HRCA) at a date subsequent to the City's acquisition and payment for those lands already owned by the HRCA.
- (e) That to accommodate the City's acquisition of the HRCA's exclusive land holdings, the City accept HRCA's transfer together with the HRCA's covenant to the City that in the event following closing of the transaction, an unforeseen title matter subsequently arises, that HRCA will take all necessary steps to respond, including re-adjustments if necessary;
- (f) That the new closing date for the City's \$1,018,685. purchase of the HRCA's 159 Beach properties be extended to on or before January 29, 1999, and the closing date for the City's \$1 purchase from the HRCA of the surplus MTO Beach lands, be extended to February 26, 1999.

- (g) That the Mayor and City Clerk be authorized to execute the City's Amending Agreement with the Conservation Authority incorporating the foregoing in a form satisfactory to the City/Regional Solicitor.
- 12.
- (a) That the Commissioner of Public Works and Traffic be authorized to investigate the feasibility of permitting advertising signage at selected outdoor sports fields; and,
 - (b) That staff report back to Committee with recommendations on project status specifying, if appropriate, candidate sites, terms, selection process and estimated financial implications.
- 13.
- (a) That the list of P.A.L.Z. fundraising initiatives dated November 1998 as described in the Schedule attached hereto and marked Appendix "E" be accepted; and,
 - (b) That the General Manager, Finance be requested to recommend the method of interim financing in the form of a loan to an upset limit of \$15,000 for the purpose of undertaking site development work at the approved pilot project site in 1999; and,
 - (c) That the General Manager, Finance recommend appropriate accounting procedures relative to the receipt of revenues to be generated annually through the sale of dog licences by the SPCA for the express and purpose of funding development and upkeep of leash free sites; and,
 - (d) That the City Solicitor be authorized to amend By-law No. 85-148 as amended respecting Dog Licence Fees increasing each category by \$1 effective January 1, 1999 in accordance with the Schedule attached herewith and marked Appendix "F".
- 14.
- (a) That in connection with the City's Agreement of Purchase & Sale with the Canadian National Railway Company for the City's purchase of the harbour shoreline portion of CNR's Stuart Street Yard (situate between Desjardins Canal and Bayfront Park), the City not exercise its right under the said Agreement to terminate the Agreement as a result of the property's environmental contamination on the basis of the Report "Site Specific Risk Assessment – West Harbour Waterfront Trail", October, 1998 prepared by Dillon Consulting Ltd.; and,
 - (b) That in connection with the City's purchase of CNR's shoreline for a waterfront trail, Council also approved that two access easements be sold to CNR. To comply with the Real Property Sales Procedural By-law, which applies to the sale of the said easements:
 - (i) the access easements to CNR are declared surplus to the City's requirements; and,

- (ii) notice of the proposed access easements to CNR has been given by publication of the Council Agenda incorporating this resolution; and,
- (iii) the two easements are exempt from being appraised as a result of Provincial Regulation which exempts sales for incidental uses to industrial operations; and,
- (iv) the Municipal Clerk is authorized to sign a Certificate of Compliance incorporating the foregoing in accordance with the Real Property Sales Procedural By-law; and,

The two access easements being transferred to CNR are briefly described as follows:

- 1. An easement and right of way for vehicular access from the existing CNR service road turnaround upon the trail for CNR's access to inspect or maintain its rail bridge above Desjardins Canal; and,
- 2. An easement and right of way for an existing driveway upon City land (Parts 23 and 24, 62R-12135,) between Harbour Front Drive and land retained by CNR.

- 15. That upon closing of the City's purchase of Waterfront land and waterlots from CN Rail, J.J. Barnicke be paid for services rendered in the amount of \$39,200 plus GST, from Account CF 409850013.
- 16. (a) That upon completion of the transfer of lands from the Hamilton Region Conservation Authority (HRCA) (including lands surplus to the MTO) to the City of Hamilton, as approved by City Council on December 11, 1997 the Manager of the Real Estate Division be authorized and directed to proceed with the disposal of those lands not required for municipal purposes in accordance with the Real Property Sales Procedural By-law No. 95-049; and,
 - (b) That the sale of the lands be carried out in accordance with the following strategy:
 - (i) those lands that form viable 1 and 2 family residential building lots within the appropriate residentially zoned areas are to be sold by public tender; and,
 - (ii) those building lots that are not sold through the public tender process will be placed for sale with the Real Estate Brokers presently retained by the City and listed through the Multiple Listing System with the Hamilton, Burlington and District Real Estate Board; and,

- (iii) those lands that are to be developed for uses other than 1 and 2 family residential lots within the appropriate zoned areas are to be placed for sale with the Real Estate Brokers presently retained by the City and listed through the Multiple Listing System with the Hamilton, Burlington and District Real Estate Board; and,
 - (iv) those lands that are insufficient in dimension or area to be developed independently are to be offered for sale to the abutting property owners; and,
 - (v) those lands that are required for sewage pumping facilities being 377, 640, 809 and 984 Beach Boulevard be sold to the Regional Municipality of Hamilton-Wentworth; and,
- (c) That prior to the sale of these lands the following conditions are satisfied:
- (i) a registered survey plan identifying each property to be sold; and,
 - (ii) a Master Drainage Plan Study addressing the flooding problems for both private and public properties on the Hamilton Beach; and,
 - (iii) an Infill Guideline Proposal for new housing on the Hamilton Beach; and,
- (d) That the Offer to Purchase Agreements for the sale of the 1 and 2 family lots include but not be limited to the following conditions:
- (i) all development on the west (Bay) side of Beach Boulevard is to be in compliance with Zoning By-law No. 6593; and,
 - (ii) all Purchasers will be required to enter into a Lot Grading Agreement with the City of Hamilton Building Department prior to the issuance of a building permit; and,
 - (iii) all Purchasers acknowledging the potential of flooding in the Hamilton Beach Neighbourhood; and,
 - (iv) all Purchasers shall obtain and commence construction on the purchased lands within one (1) year of the purchase date with said construction to be completed within two (2) years of the date of purchase; and,
 - (v) should construction not have commenced within the one (1) year time period noted above, the City shall have the option to repurchase the property for the sale price (without any interest) – less (a) the deposit; (b) the commission paid (if any) by the transferor to a real estate agent; (c) arrears of realty taxes (including the local improvement charges), penalty and interest owing on them and further, without increase or compensation for costs of any improvements, additions, alterations, services or structures on, in or under the said lands; and,

- (vi) all Purchasers shall agree not to transfer, grant, lease, licence or otherwise convey the purchased properties until such time as the residential building is wholly constructed and an occupancy permit has been issued; and,
 - (e) That the Parks and Recreation Committee request the Planning and Development Committee to direct the appropriate staff to prepare a Terms of Reference for a Master Drainage Plan Study to address the flooding problem for both private and public properties on the west (Bay) side of Beach Boulevard at an estimated cost of \$20,000, the cost of which is to be charged to Account No. CF 5698 629750011 (Hamilton Beach Neighbourhood Plan Implementation).
17. (a) That City Council affirm its interest in declaring surplus City lands containing Barton Community Centre; and,
- (b) That the Manager of the Real Estate Division be authorized to circulate the properties to determine if there is any civic use or any restrictions and subsequently be authorized to negotiate the sale of the property with prospective purchasers; and,
- (c) That staff report back to the Parks and Recreation Committee with regards to the details of the terms and conditions of the sale, with specific reference to any alternative that might exist to provide interim public recreation use space on site; and,
- (d) That notwithstanding the City's policy of returning funds generated by the sale of City lands to the City's Reserve for Property Purchases Account, that the funds generated from the sale of the above referenced lands be dedicated to funding upgrades to the Walker Outdoor Pool, inclusive of meeting facilities; and that staff report back to the Committee on this possibility.
18. That the following Bill be adopted, signed, sealed and enrolled as a By-law:

B-2 A By-law to Amend By-law No. 85-148 respecting Dog Licence Fees

Respectfully Submitted,

**ALDERMAN BERNIE MORELLI, CHAIRMAN
PARKS AND RECREATION COMMITTEE**

**Susan K. Reeder
Acting Secretary
November 30, 1998**

Appendix "A" as referred to in Section 7 (a)
of the TWELFTH Report of the Parks
and Recreation Committee for 1998

BARTONVILLE CEMETERY

The Bartonville Cemetery site marks the earliest beginnings of the congregation of Pioneer Memorial United Church.

Circa 1824 pioneers, meeting under the leadership of Methodist Episcopal Church circuit preachers, built a wooden church which served them until it was destroyed by fire in 1846. On February 6, 1859, a brick church that replaced it was dedicated as Bartonville Methodist Episcopal Church.

On January 5, 1879, a new church, built on Kenilworth Avenue South, was dedicated as Bartonville Methodist Church, later named Kenilworth Avenue United Church. The brick church at the cemetery was moved in 1895 to Tweedside, where it now stands.

In the 1950's the population growth created the need for a larger church building. On January 18, 1959, a new church, built across from this cemetery, was dedicated as Pioneer Memorial Church to honour those pioneers who built so that future generations might be the beneficiaries.

In 1952 the City of Hamilton assumed responsibility for this cemetery.

Appendix "B" as referred to in Section 7 (b)
of the TWELFTH Report of the Parks
and Recreation Committee for 1998

ST. CLAIR AVENUE AND ST. CLAIR BOULEVARD HERITAGE CONSERVATION DISTRICTS

In 1986 the St. Clair Avenue Heritage Conservation District was designated under the Ontario Heritage Act as Hamilton's first heritage district. The St. Clair Boulevard Heritage Conservation District was subsequently designated in 1993.

The Avenue Heritage District extends from Main Street to Delaware Avenue. The Boulevard Heritage District extends from Delaware Avenue to Cumberland Avenue.

The original parcels of land were owned and developed by George Rutherford, whose family home, known as "Fern Hill", was located on the north-east corner of St. Clair and Delaware Avenue. It was razed to complete the Avenue survey plan.

The construction of houses on St. Clair Avenue commenced in 1910, and on the Boulevard in 1913. Both Districts were mainly completed by 1930 with infill construction continuing until the 1940s.

The two Heritage Conservation Districts, with their period design homes and wide, tree-lined avenue and centre landscaped boulevard, reflect the influence of the "City Beautiful Movement" on early twentieth century residential development.

HAMILTON DEPARTMENT OF CULTURE AND RECREATION

AFFILIATION POLICY

HAMILTON MINOR SPORTS ORGANIZATIONS

PURPOSE OF POLICY:

The purpose of the policy is to provide principles and guidelines in determining the eligibility of non-profit volunteer Hamilton Minor Sports Organizations for priority use of City facilities at subsidized cost. The policy will also define the relationship between the City and the minor sports system.

GOALS OF THE POLICY:

1. To ensure that opportunities exist for children and youth to participate in organized and safe minor sports to the level of their interest and ability.
2. To ensure the ongoing success of the Hamilton Minor Sports System.
3. To ensure that appropriate levels of transparency, support and accountability are built into the Hamilton Minor Sports System.

GUIDING PRINCIPLES:

1. Minor sport in Hamilton is best served when operated and coordinated by volunteers operating within self-contained not for profit open and accountable organizations.
2. Executives of Hamilton's minor sports organizations must ensure transparency and accountability to its memberships.
3. The City of Hamilton will retain responsibility for the overall health of the Hamilton Minor Sports System based on clearly articulated goals, principles and values.
4. Subsidies may be made available to minor sports organizations who are prepared to meet the guidelines of the policy; non-compliance with guidelines negates subsidy and possibly, operation within City operated facilities.

CORE VALUES:

1. Participation in sport provides important opportunities for children and youth to develop a positive attitude towards physical health and an enhanced sense of the importance of fair play, sportsmanship and teamwork.
2. Children and youth should have the opportunity to play to the level (Recreational to Elite) of their capability and interest within an organized and safe minor sport system.
3. Participation in organized minor sport can and should be a positive experience for children and youth.
4. Sport volunteers must be prepared to develop an atmosphere conducive to producing a positive experience for the children and youth they serve and must be dedicated to demonstrating the behaviour of positive role models.
5. Exposure to Fair Play principles and sportsmanship must be critical elements of the sports experience.

CRITERIA FOR AFFILIATION:

In order to be deemed an "affiliated Hamilton minor sports organization" the following criteria must be entrenched in organizational constitutions and by-laws and adhered to on an ongoing basis:

1. The organization will be Hamilton-based; the mandate of the organization is to serve Hamilton children and youth; 95% of participants are City of Hamilton residents.
2. The organization supports the Goals, Principles and Core Values of the Affiliation Policy - Hamilton Minor Sports Organizations.
3. The organization acknowledges the oversight role of the City of Hamilton and agrees to submit to the Director of Culture and Recreation on an annual basis the following:
 - * financial statements
 - * updated registration numbers (detailed lists must be made available if requested for auditing purposes. Reasons for audit will be given with request)
 - * minutes of annual meetings
 - * current constitution and by-laws

and understands that the Director may make these documents available to interested parties upon receipt of a written request stating the reason for the enquiry. The Director shall advise the Organization of such request and prior to public disclosure consent will be sought from the organization.

Rationale: Prior to granting to individuals or the media copies of statements or reports, groups wish to advise of possible adverse effects to suppliers or advertisers, or to clarify accounting in order that no misunderstandings are printed or falsely promoted. Such consent may not be forthcoming.

4. a) The organization must practise the principles of, and be organized in a democratic structure and has included this practise within its constitution. A clear set of rules detailing and defining voting rights and membership must be maintained. Such rules and voting rights, and the ability to run for office must clearly provide access, and opportunity for timely succession based upon the voting rights of its members. Such structure must be in a form satisfactory to the City, be open to annual review and revision.
- b) It is recognized that elite level sports require extensive education, knowledge and experience; therefore, at this level the priorities must maintain stability, program quality, accountability and a process for succession that balances those unique organizational needs with the principles articulated in 4(a) and embodied in the constitution.
5. The organization will take all necessary measures to ensure that its members are kept informed of the business affairs of the organization and will make available to its members; a) financial profiles* b) financial statements** c) Constitution & By-laws d) Minutes of AGM Meetings.

***Definition**

Financial Profiles

Presented annually to all members to detail income and expense of the yearly operating program.

Any member of any organization may request to review Annual Financial Statement of it's organization. The member will advise the Executive in writing of such a request.

6. The organization will ensure all players are registered for insurance purposes, to a minimum level established by the governing body of the sport, and subject to the approval of the City of Hamilton.
7. All associated groups agree to the Police screening of volunteers.

8. All associated groups agree to the use of Certified Referees/Coaches as determined reasonable by their governing body and approved by the City.
9. Failing to adhere to 6, 7 and 8 may result in the associated group being denied access to subsidized City Facilities.
10. The organization agrees to non-binding mediation by the City of Hamilton to prevent unnecessary legal action between members.
11. The City of Hamilton shall:
 - recognize the autonomy of each democratic organization or group and support in principle its democratic decision making processes.
 - the City of Hamilton retains the right at all times to alter facility schedules, but agrees to advise all groups of any changes as early as possible, and no financial or substitute time shall be guaranteed; nonetheless, the City will make every possible effort to advise of changes, make available compensating time or contract other facilities to minimize any such impact.
12. The City of Hamilton shall, in conjunction with the organization/s, annually review the needs of the organization/s, in regards to expansion, quality, modifications, etc. of facilities.

BENEFITS OF AFFILIATION:

1. Affiliated minor sports organizations will have priority access to use of Hamilton sports facilities. Non-affiliated organizations will be given access to facilities only after requirements of all affiliated organizations have been accommodated, or, as determined by the City in adhering to principles of equity or access.
2. Affiliated minor sports organizations will be charged the subsidized rates for use of City facilities. Non-affiliated organizations will pay the rate as approved by the City of Hamilton acting reasonably.
3. Officials and volunteers of affiliated minor sports organizations will have priority access at discounted rates to City-hosted sports development seminars and will be recognized at the City's annual sport volunteer recognition banquet, or as determined by the City of Hamilton.
4. City staff will provide mediation and facilitation services to affiliated minor sports organizations.

AFFILIATION PROCESS:

1. An affiliation package will be delivered to minor sports organizations.
2. Duly authorized officials of the organization will complete the documentation, including a resolution of its membership supporting affiliation, and the terms and conditions of affiliation.
3. City officials will review application and forward recommendations for approval to the General Manager, Community Services Division for review and approval of affiliation.
4. An affiliation agreement will be signed by duly authorized City and organization representatives.

The terms and conditions of the affiliation agreement will be subject to annual review.

PUBLIC WORKS -- CEMETERIES DIVISION

Appendix "D" as referred to in Section 10 of the TWELFTH Report of the Parks and Recreation Committee for 1998

SCHEDULE OF USER FEES AND OTHER REVENUES
PUBLIC WORKS - CEMETERIES DIVISION

1998 December 8													
	1998					1999					% Increase Over 1998		
	Resident & Realty Taxpayers			Non-Residents		Resident & Realty Taxpayers			Non-Residents				
	Cost	G.S.T.	Total	Cost	G.S.T.	Total	Cost	G.S.T.	Total	Cost		G.S.T.	Total
BURIALS AND REMOVALS													
Opening and Closing													
- 6 ft. Adult	546.00	36.22	584.22	655.00	45.85	700.85	573.00	40.11	613.11	688.00	48.16	736.16	5%
- 8 ft. Adult	734.00	51.38	785.38	881.00	61.87	942.87	771.00	53.97	824.97	925.00	64.75	989.75	5%
- 6 ft. Child	76.00	5.32	81.32	91.00	6.37	97.37	76.00	5.32	81.32	81.00	6.37	87.37	0%
- case up to 24"	161.00	11.27	172.27	193.00	13.51	206.51	161.00	11.27	172.27	193.00	13.51	206.51	0%
- case 25" to 42"	235.00	16.45	251.45	282.00	19.74	301.74	235.00	16.45	251.45	282.00	19.74	301.74	0%
- case 43" to 60"	306.00	21.42	327.42	367.00	25.69	392.69	306.00	21.42	327.42	367.00	25.69	392.69	0%
- case up to 60"	273.00	18.11	292.11	328.00	22.96	350.96	273.00	18.11	292.11	328.00	22.96	350.96	0%
- case 61" to 72"	327.00	22.89	349.89	392.00	27.44	419.44	327.00	22.89	349.89	392.00	27.44	419.44	0%
- Cremation	177.00	12.39	189.39	212.00	14.84	226.84	186.00	13.02	199.02	223.00	15.81	238.81	5%
- Cremorial	65.00	4.55	69.55	78.00	5.48	83.48	68.00	4.76	72.76	82.00	5.74	87.74	5%
- Columbarium	122.00	8.54	130.54	146.00	10.22	156.22	128.00	8.98	136.98	154.00	10.78	164.78	5%
- Mansion of Memories (Stoney Creek)	448.00	31.36	479.36	538.00	37.86	575.86	470.00	32.90	502.90	594.00	39.48	633.48	5%
Lowering (Includes Opening, Removal, Lowering, Closing)													
- Adult - 6 ft. to 8 ft. - shell	2,207.00	154.49	2,361.49				2,317.00	162.19	2,479.19				5%
- Adult - 6 ft. to 8 ft. - concrete vault/crypt	1,838.00	128.66	1,966.66				1,930.00	135.10	2,065.10				5%
- Child - 6 ft. to 8 ft. - 5 to 10 years	783.00	54.81	837.81				822.00	57.54	879.54				5%
- Child - 6 ft. to 8 ft. - under 5 years	657.00	45.99	702.99				690.00	48.30	738.30				5%
Removals													
- Adult - Shell	2,009.00	140.63	2,149.63				2,109.00	147.63	2,256.63				5%
- Adult - Concrete vault or crypt	1,640.00	114.80	1,754.80				1,722.00	120.54	1,842.54				5%
- Child - Shell	694.00	48.58	742.58				728.00	51.03	780.03				5%
- Child - Concrete vault or crypt	568.00	39.78	607.78				596.00	41.72	637.72				5%
- Cremation	177.00	12.39	189.39				186.00	13.02	199.02				5%

SCHEDULE A
November 1998

PALZ
MEMBERSHIP AND FUND RAISING STRATEGIES

MEMBERSHIP

An aggressive membership campaign will include:

- Word of mouth by all members to people seen to be walking dogs in the city and region.
- Visits to all pet food, pet supply and pet service shops in the region to inform them of our existence.
- Leave posters and flyers in those establishments for the general public.
- Use local radio stations and press to announce meetings and public events.
- Host a Web Site to increase visibility.
- Have a booth at local events to increase our visibility in the community. These may include.
 - Wiggle Waggle Walkathon
 - Gage Park and Mohawk College Garage Sales
 - Local community festivals put on by BIAs.

NEWSLETTER

We will use a quarterly newsletter to keep our members informed which will also be a platform for targeted advertising. We will make space for ads available to the pet industry, which will raise funds. Potential customers for the advertisements are:

- Local Pet supply merchants
- Local Pet service merchants:
 - Grooming
 - Funeral
 - Photographers
 - Sitting
 - Transport
 - Training
- Local Veterinary Clinics
- Veterinary Pharmaceutical Companies

FUNDRAISING

- Use our attendance at community events to sell and or raffle donated items.
- Use our attendance at community events to sell specialty merchandise.
- Organize special events which may include:
 - Lectures by guest speakers, dinner/dances, bazaars, social outings, etc.
- Solicit Sponsorships from:
 - Local Pet supply merchants
 - Local Pet service merchants
 - Local Veterinary Clinics
 - Veterinary Pharmaceutical Companies
- Accept and acknowledge private donations from interested individuals.

SCHEDULE "B"

- (1) Where a licence is issued pursuant to By-law 85-148 respecting Dog Licence Fees, the licence fees shall be increased by \$1.00 in each category for the purpose of funding leash free zones.

		1999 Base Fee	1999 <i>Base Fee adjusted for Leash Free</i>
1.	One spayed or neutered dog	\$20.00	\$21.00
2.	Each additional spayed or neutered dog	\$20.00	\$21.00
3.	One not spayed or neutered dog	\$40.00	\$41.00
4.	Each additional not spayed or neutered dog	\$40.00	\$41.00

- (2) Despite subsection 1, the following reduced fees apply to licences issued to dog owners over 65 years of age or dog owners who are receiving a disability pension.

1.	One spayed or neutered dog	\$ 5.00	\$ 6.00
2.	Each additional spayed or neutered dog	\$ 5.00	\$ 6.00
3.	One not spayed or neutered dog	\$10.00	\$11.00
4.	Each additional not spayed or neutered dog	\$10.00	\$11.00

PLANNING AND DEVELOPMENT COMMITTEE

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **TWENTY-SECOND** Report for 1998 and respectfully recommends:

1. That approval be given to Zoning Application 98-39, Jadwiga Weiss, prospective owner, for a modification to the established "H" (Community Shopping and Commercial, etc.) District to permit a residential care facility (2nd level lodging home) to accommodate twenty (20) senior citizens within the existing building, for property located at 1800 King Street East, as shown on the attached map, marked as Appendix "A", on the following basis:
 - (a) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law 6593, applicable to the subject lands be modified to include the following variances as special provisions:
 - (i) That notwithstanding Section 14(1)(i) of Zoning By-law No. 6593, the following use shall be permitted:
 - (1) a senior citizens "residential care facility" for the accommodation of a maximum of twenty (20) persons only within the building existing on the date of the passing of this by-law; and,
 - (ii) For the purpose of this By-law, a senior citizens "residential care facility" means a residential care facility within which all residents are at least 65 years of age or older and do not require probationary or custodial care governed by the terms of any court or parole board; and,
 - (iii) That Section 14(7) of Zoning By-law No. 6593, shall not apply to the subject lands; and,
 - (iv) That Section 18 A. (11) and 18A. (12) (a) of Zoning By-law No. 6593, shall not apply to the entire westerly lot line; and,
 - (v) That Section 18A. (24) (b) of Zoning By-law No. 6593, shall not apply only to the existing 3.66 m (12'-0") driveway adjacent to the existing building; and,

- (vi) That a minimum landscape area of 23.0 % of lot area shall be provided and maintained on the lot; and,
 - (vii) That a visual barrier not less than 1.8 m and not greater than 2.0 m in height shall be provided and maintained along the southerly, easterly and westerly lot lines adjacent to the rear yard; and,
 - (b) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1420, and that the subject lands on Zoning District Map E-66 be notated S-1420; and,
 - (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-66, for presentation to City Council; and,
 - (d) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- 2.A. That approval be given to Subdivision Application 98-04, (Regional File No. 25T-98010) , Alfred Massi and Emidio Massi, owners to establish a draft plan of subdivision "Cornerstone Estates", on lands located south of Stone Church Road West and west of West Fifth Street in the Sheldon Neighbourhood, as shown on the attached map marked as Appendix "B", subject to the following conditions:
- (i) That this approval apply to the plan prepared by Urbex Engineering Limited and certified by Bryon Jacobs, O.L.S., dated August 20, 1998, as revised in red, showing 27 lots for single detached dwellings, 5 blocks to be developed with the abutting lands for single detached dwellings, 1 block for townhouse dwellings, 1 block for road widening purposes, 2 blocks for 0.30 m reserves, and two streets identified as Street "A" and Court "B", attached as Appendix "C"; and,
 - (ii) That Street "A" and Court "B" be named to the satisfaction of the City of Hamilton and the Region of Hamilton-Wentworth; and,
 - (iii) That the owner prepare and submit, to the satisfaction of the Director of Planning and Development a municipal street numbering plan; and,
 - (iv) That the owner shall erect a sign in accordance with Section XI of the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton; and,
 - (v) That the final plan conform with the Zoning By-law approved under the Planning Act; and,
 - (vi) That the owner provide the City of Hamilton with a certified lost showing the net lot area and width of each lot and block and the gross area of the

subdivision in the final plan; and,

- (vii) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton as provided for under Section 51 of the Planning Act; and,
- (viii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority; and,
- (ix) That the Owner agree to include the following warning clause to be registered on title of all Lots and Blocks within the plan of subdivision, and the owner shall ensure that the warning clause is included in all offers of purchase and sale and reservation agreements to the satisfaction of the Director of Planning and Development and the City Solicitor:

“Purchasers are advised that noise levels originating from Stone Church Road West and West 5th Street may become of concern, occasionally interfering with some activities of the occupant.”; and,

- (x) That the final plan be revised to provide for 9m radius transitions into and out of the cul-de-sac bulb on Court “B” to the satisfaction of the Commissioner, Regional Transportation Department; and,
- (xi) That the Owner prepare and implement a tree preservation/restoration plan to the satisfaction of the City Horticulturist, Department of Public Works and Traffic; and,
- (xii) That the Owner be responsible for all costs associated with the removal and/or replacement of any trees within the adjacent road allowance as determined by the City Horticulturist, Department of Public Works and Traffic; and,
- (xiii) That the final plan be revised such that the east-west section adjacent to Lots 10, 11 and 12 must align centreline-to-centreline with Pantano Drive on Registered Plan 62M-827 to the satisfaction of the Manager, Development Division, Regional Environment Department and the Director, Programme and Maintenance Division, Regional Transportation Department; and,
- (xiv) That the final plan be revised to provide for a 0.30 m reserve at the westerly limits of Court “B” to the satisfaction of the Manager, Development Division, Regional Environment Department and the Director, Programme and Maintenance Division, Regional Transportation Department; and,
- (xv) That the applicant prepare and implement an erosion and sediment control plan for the subject property to the satisfaction of the Manager, Development Division, Regional Environment Department and the Hamilton Region Conservation Authority. The approved plan is to include

the following:

- (1) All erosion and sediment control measures shall be installed prior to development and maintained throughout the construction process, until all disturbed areas have been revegetated; and,
 - (2) All erosion and sediment control measures shall be inspected after each rainfall, or alternatively every 14 days, to the satisfaction of the Manager, Development Division, Regional Environment Department and the Hamilton Region Conservation Authority; and,
 - (3) Any disturbed area not scheduled for further construction within 45 days shall be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,
 - (4) All disturbed areas shall be revegetated with permanent cover immediately following completion of construction; and,
-
- (xvi) That the Owner prepare and implement a stormwater management plan for the subject property to the satisfaction of the Manager, Development Division, Regional Environment Department and the Hamilton Region Conservation Authority. The approved plan shall address stormwater quality and quantity issues and will ensure that current Provincial drainage and stormwater quality guidelines are implemented; and,
 - (xvii) That the Owner agree in writing that Blocks 28, 30, 32, 33 and 34 are to be developed in conjunction with the abutting lands; and,
 - (xviii) That the Owner dedicate Blocks 35 and 36, being 0.30 m reserves, to the Region of Hamilton-Wentworth; and,
 - (xix) That the Owner enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of the subject lands; and,
 - (xx) That the Owner agree in writing to satisfy all requirements, financial and otherwise of the City of Hamilton; and,
-
- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (SA-98-04/25T-98010), "Cornerstone Estates", proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,

- (c) That the City Clerk be directed to advise the Director, Development Division, Regional Environment Department of Council's decision.
- B. That approval be given to Amended Zoning Application 98-34, Alfred Massi and Emidio Massi, owners for changes in zoning from the established "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District (Block "1"), from "AA" (Agricultural) District to "R-4" (Small Lot Single Family) District (Block "2") and from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "3") for lands located south of Stone Church Road West and west of West Fifth Street in the Sheldon Neighbourhood, as shown on the attached map marked as Appendix "C", on the following basis:
- (a) That Block "1" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District; and,
 - (b) That Block "2" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single Family) District; and,
 - (c) That Block "3" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,
 - (d) That the Director of Planning and Development be authorized to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map W-9C for presentation to City Council; and,
 - (e) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.
3. (a) That approval be granted to application CDM-CONV-98-012 (Regional File 25CDM-98017) submitted by Oak V Properties Incorporated, owner, for a draft plan of condominium for property located at No. 101 Queen Street South, as shown on the attached Plans marked as Appendix "D" and "E", to provide for a condominium comprised of 47 individual apartment condominium units, subject to the following conditions:
- (i) That this approval applies to the attached draft plans as revised in red dated September 3, 1998 and November 4, 1998 (Appendix "D" and "E") prepared by A.J. Clarke and Associates Ltd.; and,
 - (ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the Corporate Counsel; and,
 - (iii) That prior to approval of the final plan:

- (1) property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law No. 6593 and the Official Plan, and,
- (2) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593; and,

In particular, and not limited to, a successful application to the Committee of Adjustment is required to address the non-conforming parking situation pertaining to a reduced width access door for the second level parking garage, reduced parking space widths in the second level parking garage, reduced parking space lengths in the basement level parking garage and reduced manoeuvring space, and,

- (3) the owner enter into an Encroachment Agreement with the Region of Hamilton-Wentworth for the card/key reader for the underground parking garage, the concrete retaining walls adjacent to the underground parking ramp and the concrete sidewalk on the north side of the property; and,

- (b) That the Municipal Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.

4. That Schedule 'B' of By-law No. 86-212, as amended, appointing the International Village B.I.A. Board of Management be repealed and the following names substituted:

SCHEDULE 'B'

Paul Kircos,	223-225 King Street East (owner)
Marie Petrou	181 and 183 King Street East (owner)
Gord Thompson	186, 190, 191 King Street East (owner)
Wolfgang Schoen	255 King Street East (owner)
Joe Collura	227 King Street East, Hotelevision (tenant)
Dean Taylor	233 King Street East, Hudsons (tenant)
John S. Kenyon	239 King Street East, JSK Pawnbrokers (tenant)

5. (a) That the 1999 operating budget for the International Village B.I.A., attached as Appendix "F" be approved in the amount of fifty-four thousand dollars (\$54,000);
- (b) That the General Manager of Finance, be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 1999 budget as referenced in (a) above; and,

- (c) That the following schedule of payments for 1999 be approved:

January 01	\$27,000
July 01	\$27,000

NOTE: 1998 assessment appeals may be deducted from the 1999 levy payments.

6. That the Building Commissioner be authorized to issue a demolition permit for 18 Hixon Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.
7. That the Building Commissioner be authorized to issue a demolition permit for 62 Wentworth Street North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.
8. That the Building Commissioner be authorized to issue a demolition permit for 64 Wentworth Street North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.
9.
 - (a) That approval be given to Part Lot Control Application 98-04, Paul Silvestri, owner, to remove part-lot control for Lots 1 – 15, inclusive, located in "Olmsted Park, Phase 1", Registered Plan 62M-864, known municipally as 15 – 54 Marilyn Drive, inclusive, for the purpose of establishing maintenance easements, as shown on the attached map marked as Appendix "G"; and,
 - (b) That the appropriate By-law to remove part lot control from Lots 1 – 15, inclusive, located in "Olmsted Park, Phase 1", Registered Plan 62M-864, be enacted by Council; and,
 - (c) That the exempting By-law be restricted to a 1 year effective time period to expire on December 15, 1999; and,
 - (d) That following the enactment of this By-law, the Commissioner, Regional Environment Department (as delegate of the Minister of Municipal Affairs and Housing) be requested to grant approval to the By-law and endorse the same on the By-law.
10. That a letter be sent to the Historic Sites and Monuments Board of Canada requesting that the Tivoli Theatre, located at 108-112 James Street North, Hamilton, be evaluated for recognition as a National Historic Site.

11. That the following citizen members be appointed to serve on the Local Architectural Conservation Authority Advisory Committee for a term to expire 2001 November 30:

Jerry Chlebowski
Reginald Wheeler

12. (a) (i) That an Agreement by Owner to Accept Compensation to be executed by A.S.A.P. Holdings Ltd., and scheduled to close on or before 1998 December 22, for the lands situated in the City of Hamilton, being composed of part Lot 14 on Registrar's Compiled Plan No. 1391, designated as Part 5 on Reference Plan 62R-14129, having a frontage of 8.546 metres (28.0 feet) along the southern limit of King Street East, and a depth of 80.80 metres (265.11 feet), designated as 248 King Street East, Hamilton, be approved and completed for the price of \$295,750; and,
- (ii) That the Mayor and Municipal Clerk be authorized and directed to execute the necessary documents, in a form satisfactory to the City/Regional Solicitor; and,
- (b) (i) That an Option to Purchase to be executed by Lewis Energy Management Inc., and scheduled to close on or before 1998 December 22, for the lands situated in the City of Hamilton, being composed of part of Lot 13 on Registrar's Compiled Plan No. 1391, having a frontage of 10.668 metres (35.0 feet) along the southern limit of King Street East, and a depth of 59.04 metres (193.71 feet), designated as 244 King Street East, Hamilton, be approved and completed for the purchase price of \$300,000; and,
- (ii) That the Option to Purchase be approved subject to the following conditions:
- (1) (aa) It is understood and agreed that the closing of this transaction be conditional upon the City of Hamilton successfully acquiring from A.S.A.P. Holdings Ltd. the property located at 248 King Street East, Hamilton, described as part of Lot 14 on Registrar's Plan 1391, such closing to occur contemporaneously with the closing of the subject property at 244 King Street East; and,
- (2) (bb) In the event that the City is not successful in the completion of the transactions set out in paragraph (a)(i), the herein Agreement shall be terminated and the deposit shall immediately be returned to the City without interest or deduction; and,

1998 December 8

- (iii) That the Mayor and Municipal Clerk be authorized and directed to execute the necessary documents, in a form satisfactory to the City/Regional Solicitor.

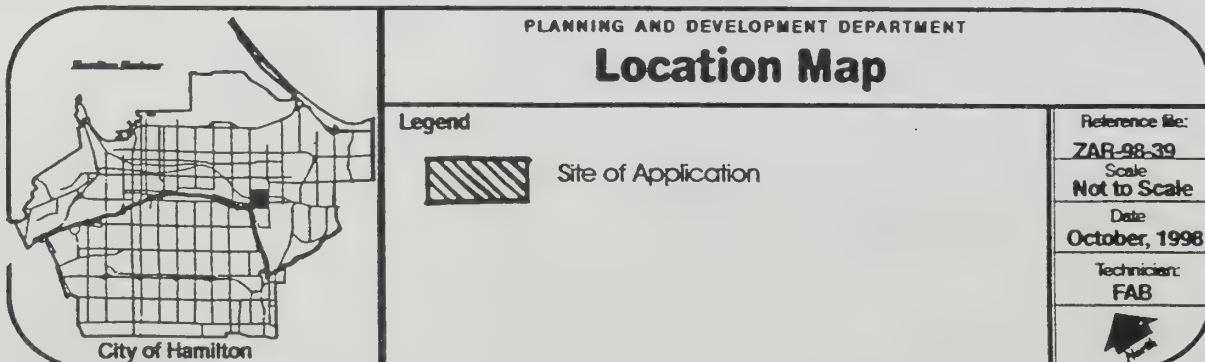
13. That the following Bills be adopted, signed, sealed and enrolled as By-laws:

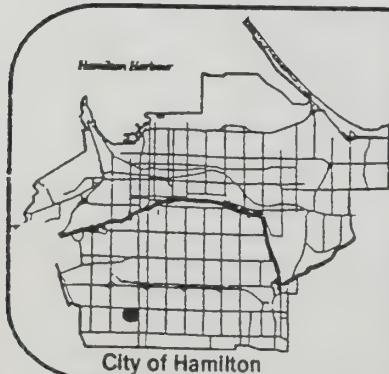
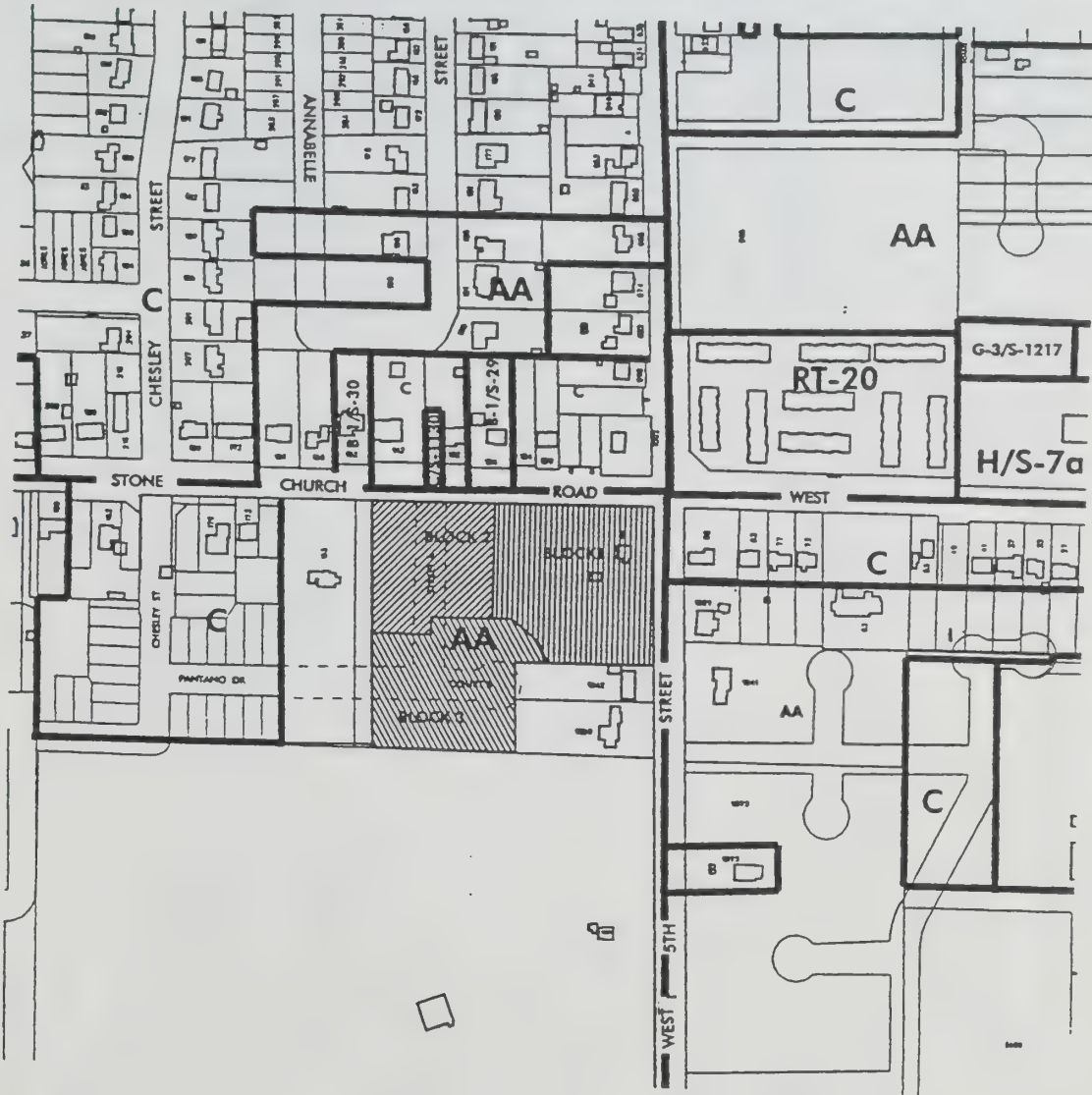
- (a) C-138 A By-law to Expropriate Land for Walkway and Municipal Purposes.
- (b) C-139 A By-law to Remove Land Within the "Olmsted Park, Phase 1" Subdivision, Plan 62M-864 from Part Lot Control.

Respectfully submitted,

**ALDERMAN F. D'AMICO
PLANNING AND DEVELOPMENT
COMMITTEE**

**Tina Agnello, Secretary
1998 December 2**





PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend



From "AA" (Agricultural) to "RT-20"
(Townhouse Masonette) District

From "AA" (Agricultural) to "R-4"
(Small Lot Single Family) District

From "AA" (Agricultural) to "C"
(Urban Protected Residential, etc.) District

Reference file:
ZAC-98-34

Scale
Not to Scale

Date
October, 1998

Technician:
J.Sims

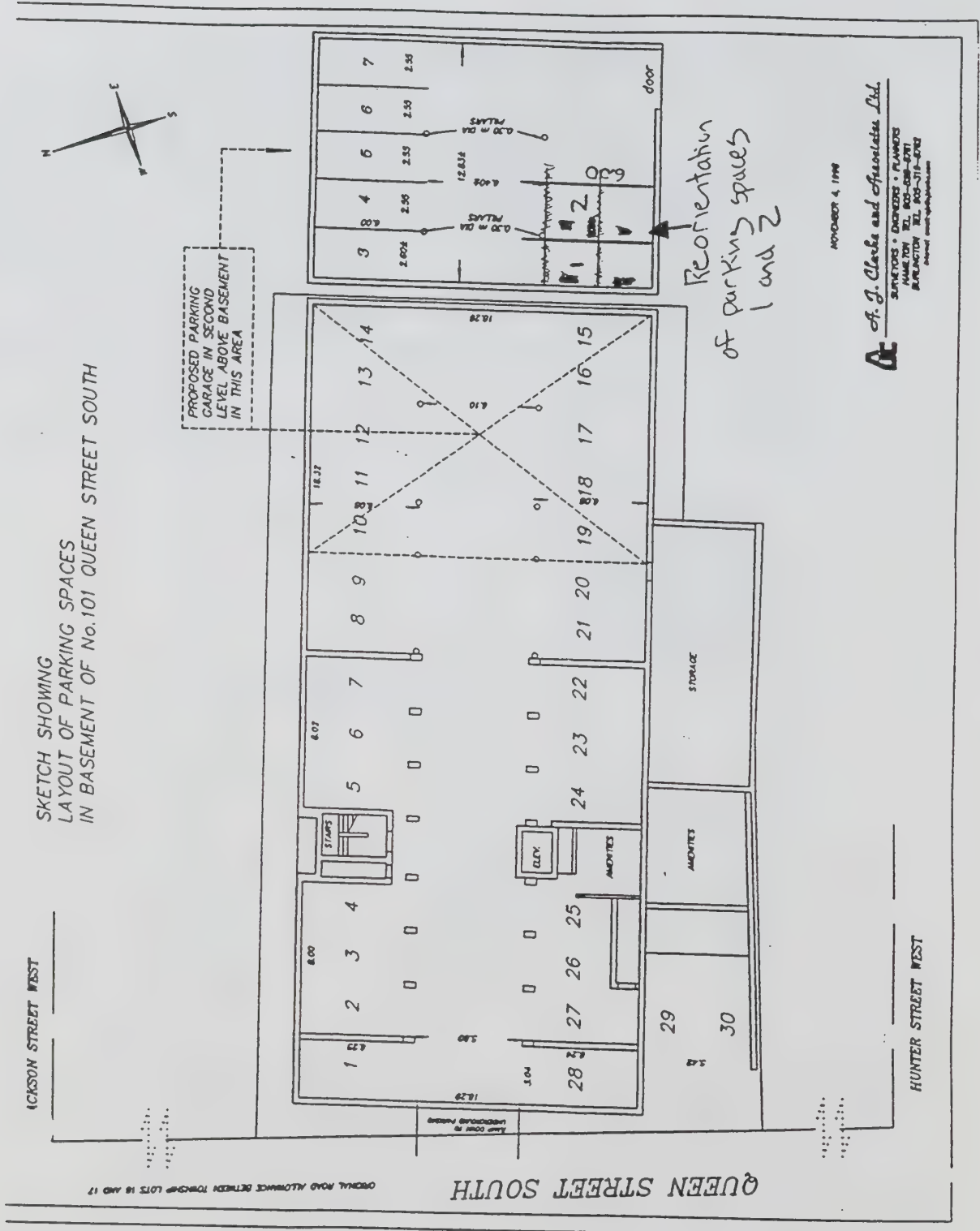






1998 December 8

Appendix "E" referred to in Section 3 of the **TWENTY-SECOND** Report of the Planning and Development Committee for 1998



1998 December 8

Appendix "F" referred to in Section 5 of
the TWENTY-SECOND Report of the
Planning and Development Committee
for 1998



Approved Operating Budget 1999

OPERATIONS:

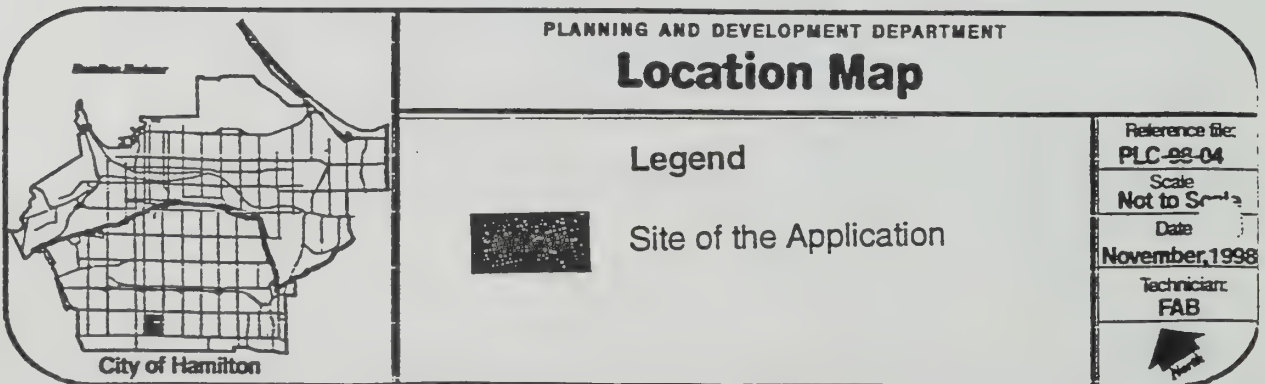
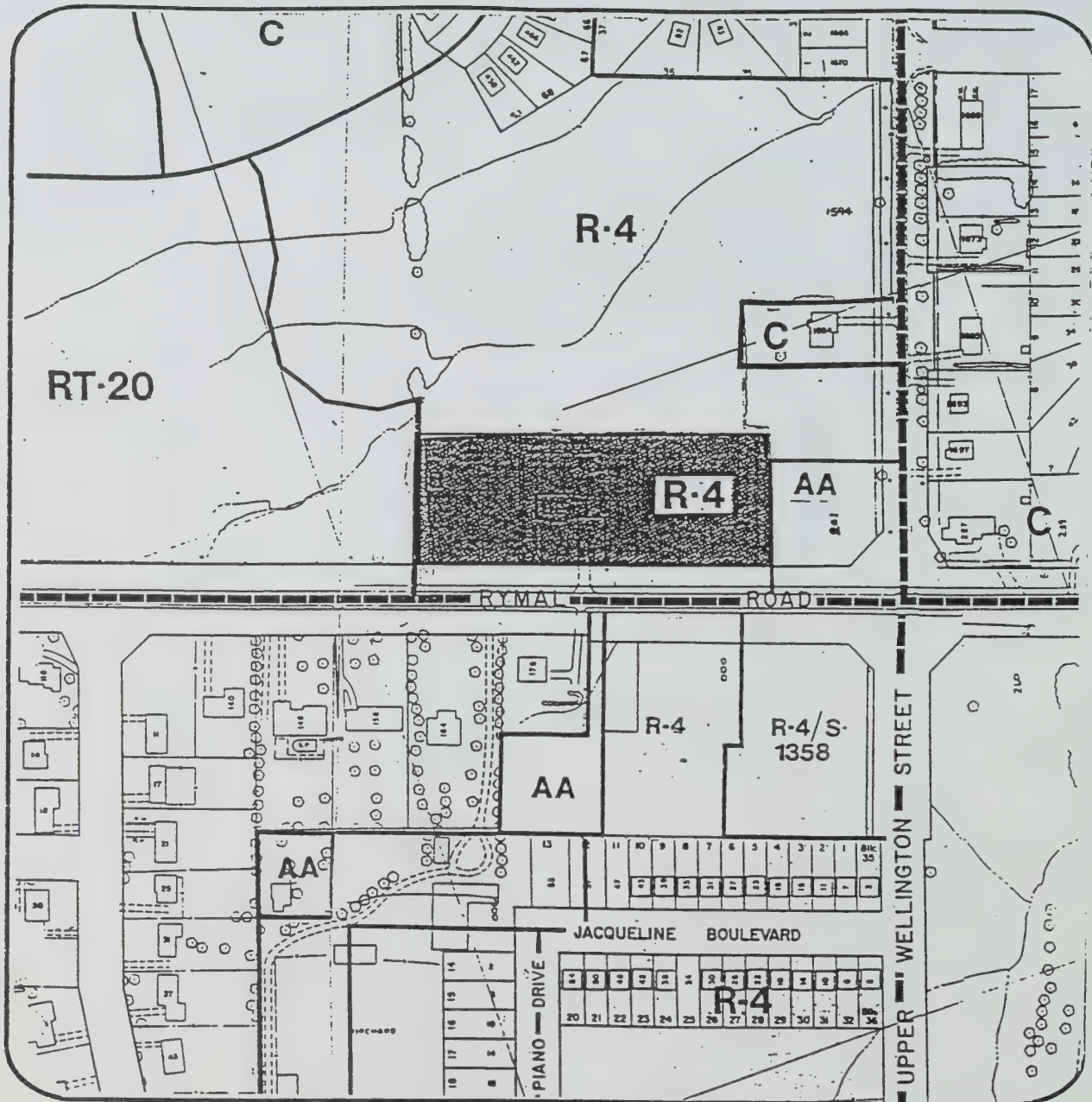
Rent	\$2,000.00	
Utilities	2,300.00	
Telephone/FAX	2,000.00	
Office Supplies	1,500.00	
Equipment Repair	500.00	
Bank Charges	<u>250.00</u>	\$8,550.00

WAGES:

Executive Director	\$30,000.00	
Wage Costs	<u>3,300.00</u>	\$33,000.00
Insurance	\$1,400.00	
Audit Fees	400.00	
Printing, Postage	2,000.00	
Advertising, Promotion	<u>5,000.00</u>	\$8,800.00
Contingency Fund		<u>\$3,650.00</u>
TOTAL BUDGET		\$54,000.00

1998 December 8

Appendix "G" referred to in Section 9 of
the **TWENTY-SECOND** Report of the
Planning and Development Committee
for 1998



FINANCE AND ADMINISTRATION COMMITTEE

1998 December 8

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **TWENTY-FOURTH** Report for 1998 and respectfully recommends:

1. (a) That the City be authorized to temporarily borrow monies to meet current budget expenditures for 1999 pending receipt of current revenues; and,

 (b) That the appropriate borrowing by-law be approved.
2. (a) That the City be authorized to enter into Extension Agreements, if required, in a form satisfactory to the City/Regional Solicitor and the General Manager, Finance, pursuant to Section 8 of the Municipal Tax Sales Act, with the owners of property at:

 (i) 98 West Avenue North
 (ii) 39 Rutherford Avenue

 to extend the time open for payment of realty tax arrears in accordance with the policy for extension agreements approved by City Council on 1994 June 28; and,

 (b) That the by-law to authorize the said Extension Agreements be enacted by Council; and,

 (c) That the Mayor and Municipal Clerk be authorized to execute the aforesaid by-law and extension agreements.
3. That the analysis of the transactions of the City's Development Charges Reserve for the year 1997, attached herewith and marked Appendix "A", be received.
4. That Outstanding Business Taxes in the amount of \$670,838.07 be written-off in accordance with Section 441 of the Municipal Act, R.S.O. 1990 and charged to Account CH53401 24106, Tax Write-offs.

5. **City Council, at its meeting held Tuesday, November 10th, 1998 approved Section 10 of the Eleventh Report for 1998 of the Parks and Recreation Committee respecting Licence Agreements with the Hamilton and Rosedale Tennis Clubs as follows:**

- (a) That approval be granted to the General Manager, Community Services Division to enter into Licence Agreements, in a form acceptable to the City Solicitor, with both the Hamilton Tennis Club and Rosedale Tennis Club; and,
- (b) That each Licence Agreement contain the following terms and conditions:
 - (i) Term commences 1999 January 1 and terminates 2008 December 31; and,
 - (ii) The Club shall pay the cost of the following services or items:
 - (1) Hydro electric power and natural gas
 - (2) Maintenance of tennis court surfaces
 - (3) Cleaning and caretaking of the clubhouse; and,
 - (iii) The Club shall hold free tennis clinics for junior players; and,
 - (iii) The Club shall provide 235 hours of daytime tennis court time per year for use of schools or for use by the City for junior players; and,
- (c) That the City Solicitor be authorized and directed to prepare the necessary documents; and,
- (d) That the City take no further action to recover the \$100,000 owing under the leaseback arrangement for the "bubble" which was installed at the Rosedale Tennis Club; and,
- (e) That the Finance and Administration Committee be requested to recommend the method of financing the amounts forgiven for utility arrears and amounts owing under the loan/leaseback agreement.

Subsequently, the following funding recommendation was presented to the Finance and Administration Committee for consideration in accordance with Council direction that the Committee recommend the method of financing. The Committee did not deal with this recommendation, and acknowledged that this matter would be presented to City Council.

That an amount of \$11,900 representing utility arrears owing by the Rosedale Tennis Club for 1984 be written off and charged to Account CH 15401, Write Offs.

6.
 - (a) That the Jamesville Business Improvement Area liability of \$4,532.13 be written off against the Reserve for Allowance for Doubtful Accounts, Centre Number 00131; and,
 - (b) That the G.S.T. Taxes and interest payable with respect to the disallowance of the claim for a rebate on the Expense Allowance of Municipal Officers and the Local Grant, in the amount of \$28,577.38 plus interest, be charged against the Provision for Reserve for Contingency, Centre Number 00115; and,
 - (c) That the Usarco spill cleanup costs of \$78,100.08 be written off against the Reserve for Allowance for Doubtful Accounts, Centre Number 00131.
7. That staff be authorized to call for proposals for the acquisition of a new property taxation system for the City of Hamilton.
8. That the City of Hamilton approves the City of Toronto's request for endorsement of the following with respect to the issue of "homelessness as a national disaster":
 - (a) That Council endorse the "national disaster" resolution. The national FCM Board has asked the Big City Mayor's Caucus to advise them on, and consider strategies for, the homelessness crisis in Canada; and,
 - (b) That Council call for immediate Federal action on this front, including action on the creation of a senior Federal Cabinet committee with a clear mandate, and the necessary resources to take action; and,
 - (c) That Council endorse the FCM request for a meeting with the Federal Cabinet Committee dealing with housing and homelessness (once it has been determined, and it is in place) to discuss the options document and an Action Plan; and,
 - (d) That Council seek to meet with the appropriate senior Ministers in your area: we are asking that Council communicate this information to, as well as seek a meeting with, the appropriate senior Federal and Provincial Cabinet representatives with responsibility for your area; and,
 - (e) That Council endorse a national Homelessness Issue web site be developed, as part of the FCM web site, with links to good local sites across the country, and including information on local solutions and best practices for housing. Each city is also being asked to link this new site to their own City page; and,
 - (f) That Council designate a senior staff (policy) person for input into a "National Housing Policy Options" Team, who will develop, within 3 months, a document of real options for national circulation; and,

- (g) That Council ask the FCM to put the critical issue of housing and homelessness on the agenda of a full FCM Plenary Session, at the 62nd Annual Meeting of the FCM (June 4-7, 1999), in Halifax.
9. That the Mayor, the Chairman of the Finance and Administration Committee, and five members of City Council be authorized to attend the 62nd Annual Conference of the Federation of Canadian Municipalities being held on June 4 – 7, 1999 in Halifax, Nova Scotia.
10. (a) That staff be authorized to participate in non-binding mediation of the claim in Ontario Court General Division Action No. 12037/96; and,
- (b) That the City/Regional Solicitor's designate be authorized to execute any necessary documentation, in form and content satisfactory to the designate to confirm the City's participation and commit the City to paying its share of expenses of the mediation (City's portion of the expense of the mediator of this Action are estimated not to exceed \$8,500)
11. (a) That Council endorse the actions of the General Manager, Community Services Division, in authorizing emergency removal of contaminated soils in Fire Station No. 8, Melvin and Woodward, on the basis of legislated requirements of property owners to remove any uncovered environmental hazardous material from construction sites; and,
- (b) That approval be given to increase the Purchase Order issued previously to James Kemp Construction Ltd., Hamilton, as the General Contractor by (\$15,000) plus (\$1,050) in applicable GST, to undertake the emergency removal and disposal work; and,
- (c) That the relevant contract be amended by the City/Regional Solicitor to reflect the changes; and,
- (d) That the Finance and Administration Committee be requested to recommend a source of funding for the amount of \$15,000.
12. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
- (a) D-59 A By-law to Authorize the Temporary Borrowing of Monies to meet Current Expenditures pending Receipt of Current Revenues.

1998 December 8

- (b) D-60 A By-law to Authorize an Extension Agreement for Payment of Realty Tax Arrears.
- (c) D-61 A By-law to Amend By-law No. 98-217 Respecting The Levying of Taxes for the Year 1998.
- (d) D-62 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

Respectfully submitted,

**ALDERMAN D. WILSON, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan K. Reeder,
Secretary
1998 December 1**

Development Charge Reserve Fund
Statement of Continuity
Period January 01, 1997 to December 31, 1997

	Total	Indoor Recreation	Outdoor Recreation	Library Buildings & Materials	Traffic Signals	Parkland Acquisition	Vehicles & Equipment	Studies	Engineering (area specific)	Storm Water Retention	Fire Stations
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Balance as at Jan 01, 1997	5,189,508	1,634,628	1,232,478	918,557	(14,899)	166,484	43,500	871	444,089	(52,499)	816,299
Development charges received or receivable	1,115,655	260,760	326,677	126,660	8,626	206,741	54,020	1,082	131,089	0	0
Development charges refunded	(6,335)	(1,481)	(1,855)	(719)	(49)	(1,174)	(307)	(6)	(744)	0	0
Interest earned	184,066	51,354	48,458	34,711	(840)	7,047	3,231	65	19,090	(1,745)	22,695
	6,482,894	1,945,261	1,605,758	1,079,209	(7,162)	379,098	100,444	2,012	593,524	(54,244)	838,994
Transferred to:											
Capital Fund	(160,000)	0	0	0	0	(160,000)	0	0	0	0	0
Amounts allocated:											
Reduction of current debentures	(600,000)	(348,569)	(99,116)	0	(18,946)	0	0	0	0	0	(133,369)
Balance as at December 31, 1997	5,722,894	1,596,692	1,506,642	1,079,209	(26,108)	219,098	100,444	2,012	593,524	(54,244)	705,625

NOMINATING COMMITTEE

1998 December 8

REPORT OF THE NOMINATING COMMITTEE

To the Council of the Corporation of the City of Hamilton.

The Nominating Committee presents its **EIGHTH** Report for 1998 and respectfully recommends:

1. That the following citizen members be appointed to serve on the Hamilton Entertainment and Convention Facilities Inc. for a term to expire 2001 December 31:

2. That the following Members of City Council be appointed to serve on the Committee of Adjustment for a term to expire 1999 December 8:

3. That the following Members of City Council (minimum of five) be appointed to serve on the Selection Committee for a term to expire 1999 December 8:

Respectfully Submitted,

Mayor R. M. Morrow
Chairman
Nominating Committee

J. J. Schatz, Secretary
1998 December 8

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**TUESDAY, 1998 DECEMBER 8
7:30 O'CLOCK P.M.**

B I L L S

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98-

BEING A BY-LAW TO AMEND
BY-LAW NO. 89-72 TO REGULATE TRAFFIC

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

AND WHEREAS it is necessary to amend By-law 89-72, as amended;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That **Schedule 10 (Stops at Intersections)** of By-law 89-72, as amended, is hereby further amended by adding thereto the following items, namely:-

"Highridge	Eastbound and Westbound	Isle
High	Northbound and Southbound	Sherwood Rise"

and by deleting therefrom the following item, namely:-

"Brigade	Eastbound and Westbound	Republic"
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2. That **Schedule 23 (Hamilton Street Railway Bus Stops)** of said By-law is hereby amended by adding to the "**Outbound**" column thereof the following items, namely:-

"Centennial, 47 feet south of Arrowsmith (N/S)

Centennial, 62 feet south of Goderich (N/S)"

and by adding to the "**Inbound**" column thereof the following items, namely:-

"Centennial, 19 feet north of Goderich

Centennial, 49 feet north of Arrowsmith"

3. That **Schedule 28 (Taxi Stands)** of the said By-law is hereby amended by deleting therefrom the following item, namely:-

"Hess	West 60 feet	82 feet north of York	7:00 a.m. - 6:00 p.m. Monday to Friday"
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4. That **Schedule 29 (No Stopping Areas - No Stopping Anytime)** of the said By-law is hereby amended by adding thereto the following items, namely:-

"Bay	West	Barton to Strachan	4-6 p.m.	Mon-Fri
Brampton	North	commencing 181 feet west of Brighton and extending 140 feet westerly therefrom		Anytime"

and by deleting therefrom the following item, namely:-

"Bay	West	Barton to Burlington	4-6 p.m.	Mon-Fri"
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5. That **Schedule 35 (Wheelchair Loading Zones)** of the said By-law is hereby amended by adding thereto the following items, namely:-

"Edgemont	West	26 feet	23 feet south of Dunsmure	8:00 a.m. to 6:00 p.m.
Ferndale	East	28 feet	140 feet south of Dunkirk	Anytime"

and by deleting therefrom the following item, namely:-

"Ferndale	East	28 feet	121 feet south of Dunkirk	Anytime"
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6. In all other respects, By-law 89-72 and all Schedules thereto, as amended, are hereby confirmed, unchanged.
7. This By-law shall come into force and take effect upon the date of its passing and enactment.

PASSED this 8th day of December 1998.

MUNICIPAL CLERK

MAYOR

4. That **Schedule 34 (Sticker Permit Parking)** of the said By-law is hereby amended by adding thereto the following items, namely:-

"Niagara	West	commencing 50 feet north of Brant and extending 105 feet northerly therefrom	Anytime
Tragina	East	commencing at Britannia and extending 263 feet northerly therefrom	Anytime
Ray	East	commencing 212 feet north of York and extending 17 feet northerly therefrom	Anytime
Fairfield	West	commencing 471 feet north of Vansitmart and extending 19 feet northerly therefrom	Anytime"

and by deleting therefrom the following item, namely:-

"Brant	Both	Wentworth to Niagara	Anytime"
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5. In all other respects, By-law 89-72 and all Schedules thereto, as amended, are hereby confirmed, unchanged.
6. This By-law shall come into force and take effect upon the date of its passing and enactment.

PASSED this 8th day of December 1998.

MUNICIPAL CLERK

MAYOR

THE CITY OF HAMILTON

BY-LAW NO. 98-

TO AMMEND BY-LAW NO. 98-110

RESPECTING:

THE CONSTRUCTION, MAINTENANCE, OPERATION, MANAGEMENT
AND REGULATION OF MUNICIPAL PARKING FACILITIES

WHEREAS Sub-section 56 of Section 207 of the Municipal Act, R.S.O. 1990, c. M.45, as amended, confers upon the councils of all municipalities the authority to acquire, establish, lay out and improve land, buildings, and structures where vehicles may be parked, and for erecting buildings or structures for, or in connection with, the parking of vehicles;

AND WHEREAS Sub-section 56 of Section 207 of the Municipal Act, as amended, further provides for the regulation, supervision and governing of the parking of vehicles on land so acquired, established, laid out and improved;

AND WHEREAS Paragraph (6) of Section 191 of the Municipal Act, as amended, confers upon the councils of every corporation the authority to pass by-laws providing for the use by the public of lands of which the corporation is the owner and for the regulation of such use and the protection of such lands;

AND WHEREAS the Council of the City of Hamilton, at its meeting held on the 14th day of April, A.D. 1998, did enact By-law No. 98-110, providing for the construction, maintenance, operation, management and regulation of municipal parking facilities;

AND WHEREAS the Council of the City of Hamilton deems it necessary and appropriate to amend By-law 98-110;

NOW THEREFORE The Council of the City of Hamilton enacts as follows:

1. That **Schedule 1** of By-law 89-110 is hereby amended by adding thereto the following items, namely:-

"7	171 Main Street East	\$ 0.50	\$ 0.50	\$ 3.00	\$ 50.00
8	293-297 King Street	\$ 0.50	\$ 0.50	\$ 3.00	\$ 50.00
39A	314 Grosvenor Avenue N.	\$ 0.50	\$ 0.24	N/A	N/A"

and by deleting therefrom the following item, namely:-

"7	171 Main Street East	\$ 1.10	\$ 0.50	NONE	\$ 50.00
8	293-297 King Street	\$ 1.10	\$ 0.55	\$ 4.00	\$ 50.00"

2. In all other respects, By-law 98-110 and the Schedule attached thereto is hereby confirmed unchanged.

3. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED this 8th day of December, A.D. 1998

Municipal Clerk

Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98-

TO STOP-UP AND CLOSE A PORTION OF SCENIC DRIVE
DESIGNATED AS PARTS 1, 2 & 3, ON PLAN 62R-14782,
AND TO RETAIN PARTS 1 & 3, ON PLAN 62R-14782,
AND TO SELL PART 2, ON PLAN 62R-14782

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297 of The Municipal Act, Revised Statutes of Ontario, 1990, Chapter M.45, and amendments thereto, to establish and layout, widen, alter, divert, stop-up, lease, close, sell or retain any highway or part of a highway;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Item 2 of the 11th Report of the Transport and Environment Committee on 1998 October 13, authorized the City to stop-up, and close, that portion of Scenic Drive, designated as Parts 1, 2 and 3, on Plan 62R-14782 and to retain Parts 1 & 3, on Plan 62R-14782 and to sell Part 2, on Plan 62R-14782.

AND WHEREAS The Corporation of the City of Hamilton is the owner of the above described land;

AND WHEREAS notice of the City's intention to pass this By-law has been published as required by Section 300 of the Municipal Act for four consecutive weeks in the Hamilton Spectator, a newspaper having general circulation in the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton, through its Transport and Environment Committee, has heard all persons who applied to be heard, no matter whether in objection to or in support of this By-law;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. That a portion of Scenic Drive designated as Parts 1, 2 and 3, on Plan 62R-14782.

City of Hamilton
Regional Municipality of Hamilton-Wentworth
Are hereby stopped up and closed
2. That the portion of Scenic Drive designated as Parts 1 and 3, on Plan 62R-14782 be retained.
3. That the portion of Scenic Drive designated as Part 2, on Plan 62R-14782 be sold to Mr. Frank Papalia as approved by City Council on 1998 October 13, in adopting Item 2 of the 11th Report of the Transport and Environment Committee for the sum of \$13,385.00.
4. That this By-law shall come into force and take effect on the date of its registration and the Commissioner of Transportation/Environmental Services is hereby authorized to register this By-law.

PASSED this 8th day of December A.D. 1998

Municipal Clerk

Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98-

TO INCORPORATE CITY LAND
DESIGNATED AS PART 5, ON PLAN 62R-10520
INTO AN EXISTING ALLEY

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as the alley running east from Hughson Street and north of Main Street, within its limits;

AND WHEREAS the said land is owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following land is hereby established and laid out as a public highway to form part of the alley.

Part of Lots 21, 22 and 23, Registered Plan 1431, designated as Part 5, on Plan 62R-10520.

City of Hamilton

Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation or his duly authorized agent is hereby authorized to open the said land as a public highway.
3. This By-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this 8th day of December A.D. 1998

Municipal Clerk

Mayor

The Corporation of the City of Hamilton

BY-LAW NO. 98-

To Amend By-law No. 85-148

Respecting:

DOG LICENCE FEES

WHEREAS By-law No. 85-148, passed on the 30th day of July 1985, provides for the control and licensing of dogs;

AND WHEREAS Schedule "A" annexed thereto and forming part of By-law No. 85-148 provides for licensing fees;

AND WHEREAS City Council, on December 8, 1998, in adopting Section 13 of the 12th Report of the Parks and Recreation Committee, directed that Schedule "A" to By-law No. 85-148 be amended to reflect increased fees for 1999;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. Schedule "A" to By-law No. 85-148, as amended, is repealed and the following is substituted therefor:

SCHEDULE "A"
(Section 20)

- (1) Where a licence is issued during the period from January 1, 1999 to December 31, 1999, the licence fees shall be in the amount as follows:
 1. One spayed or neutered dog\$21.00
 2. Each additional spayed or neutered dog 21.00
 3. One not spayed or neutered dog\$41.00
 4. Each additional not spayed or neutered dog\$41.00
- (2) Despite subsection 1, the following reduced fees apply to licences issued to dog owners over 65 years of age or dog owners who are receiving a disability pension.
 1. One spayed or neutered dog\$6.00
 2. Each additional spayed or neutered dog \$6.00
 3. One not spayed or neutered dog\$11.00
 4. Each additional not spayed or neutered dog\$11.00

2. In all other respects By-law No. 85-148 is hereby confirmed unchanged.

PASSED this 8th day of December, 1998.

MUNICIPAL CLERK

MAYOR

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98-

TO EXPROPRIATE LAND

FOR WALKWAY AND MUNICIPAL PURPOSES

WHEREAS Section 191 of The Municipal Act, R.S.O. 1990, Chapter M.45, states that the Council of a municipality may pass by-laws for acquiring or expropriating any land required for the purposes of the Corporation;

AND WHEREAS on August 26, 1997, pursuant to The Expropriations Act, R.S.O. 1990, Chapter E.26, The Corporation of the City of Hamilton, as expropriating authority, did authorize application to the Council of The Corporation of the City of Hamilton as approving authority, for approval of the expropriation of land described in clause 1. below;

AND WHEREAS the said land is required for the purpose of establishing a pedestrian walkway and other municipal purposes;

AND WHEREAS Notices of the said application as required under The Expropriations Act have been duly served upon those entitled;

AND WHEREAS The Corporation of the City of Hamilton as expropriating authority, did publish Notice of the said application in The Spectator, a newspaper having general circulation in the City of Hamilton in accordance with the said Expropriations Act;

AND WHEREAS pursuant to the said Expropriations Act, an inquiry hearing to determine if the proposed expropriation was fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority was requested and held;

AND WHEREAS at its meeting on October 27, 1998, in adopting Item 1 of the 24th Report of the Committee of the Whole, the Council of The Corporation of the City of Hamilton, as approving authority, having received the report of the said Inquiry Officer, did approve the application for approval to expropriate.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. As an expropriating authority under The Expropriations Act, The Corporation of the City of Hamilton hereby expropriates for walkway and municipal purposes the following land:

Part of Lot 14, Registrar's Compiled Plan 1391,
designated as Part 5, on Reference Plan 62R-14129,
in the City of Hamilton,
in the Regional Municipality of Hamilton-Wentworth.

2. The Municipal Clerk and the proper officers of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to implement and give effect to the provisions of this by-law and this authority shall include the taking of all necessary proceedings to enter and take possession of the land herein expropriated.

PASSED this 8th day of December A.D., 1998.

Municipal Clerk

Mayor

October 27, 1998, Item 1 of the 24th C.O.W (P&D)
Files: 55-0/97.1 and 100-7/98.1

The Corporation of the City of Hamilton

BY-LAW NO. 98—

To Remove
Land within the "Olmsted Park, Phase 1" Subdivision, Plan 62M-864
from Part Lot Control

WHEREAS subsection 5 of Section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of Section 50 of the Planning Act, states, in part, as follows:

- (7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.
- (7.1) **Requirement for approval of by-law.** -- A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.
- (7.2) **Exemption from approval.** -- An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.
- (7.3) **Expiration of by-law.** -- A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.
- (7.4) **Extension of time period.** -- The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.
- (7.5) **Amendment or repeal.** -- The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of Section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton-Wentworth pursuant to Section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of Section 50 of the Planning Act, for the purposes of establishing maintenance easements shall not apply to the following lands:

Lots 1 - 15, inclusive, within Registered Plan Number 62M-864, in the City of Hamilton, Regional Municipality of Hamilton-Wentworth.
2. (a) This by-law shall come into force and effect on the date of its approval by Council of The Regional Municipality of Hamilton-Wentworth.
(b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.
(c) This By-law shall expire on December 15, 1999.

PASSED this 8 day of December

A.D. 1998.

Municipal Clerk

Mayor

Paul Silvestri., owner
(1998) R.P.D.C. , December 8
PLC-98-04

The Corporation of the City of Hamilton

BY-LAW NO. 98-

To Authorize the Temporary Borrowing of Monies to Meet Current Expenditures Pending Receipt of Current Revenues.

WHEREAS section 187(1) of the Municipal Act, R.S.O. 1990, as amended, provides as follows:

"A council may by by-law either before or after the passing of the by-law for imposing the rates for the current year authorize the head and treasurer to borrow from time to time by way of promissory note or banker's acceptance such sums as the council considers necessary to meet, until the taxes are collected and other revenues are received, the current expenditures of the corporation for the year, including the amounts required for sinking funds,, principal and interest falling due within the year upon any debt of the corporation, school purposes, special rates purposes, and for any board, commission or body and other purposes for which the corporation is required by law to provide";

AND WHEREAS Section 187(2) of the said Act, as amended by the Municipal Statute Law Amendment Act, S.O. 1992, c. 15 provides as follows:

"The amount that may be borrowed at any one time for the purposes mentioned in subsection (1), together with the total of any similar borrowings that have not been repaid, shall not, except with the approval of the Ontario Municipal Board, exceed from January 1st to September 30th of the year, 50 percent of the total, and from October 1st to December 31st, 25% of the total of the estimated revenues of the corporation as set forth in the estimates adopted for the year";

AND WHEREAS the Council of the Corporation of the City of Hamilton (hereinafter called the "Municipality") in adopting Item 1 of the Twenty-Fourth Report of the Finance and Administration Committee on December 1, 1998 authorized the temporary borrowing of monies to meet current budget expenditures for the year 1999 pending receipt of current revenues;

NOW THEREFORE the Council of The Corporation of the City of Hamilton hereby enacts as follows:

1. (1) The Mayor and Treasurer are hereby authorized on behalf of the Corporation of the City of Hamilton to borrow from time to time by way of promissory note from the **CANADIAN IMPERIAL BANK OF COMMERCE** a sum or sums of monies not exceeding at any one time the amounts specified in subsection (2) to pay off temporary bank overdrafts for the current expenditures of the Corporation for the year 1999 and to give to the Bank on behalf of the Corporation a promissory note or notes, sealed with the Corporate Seal and signed by the Mayor and Treasurer, for the monies so borrowed, together with interest at such rate as may be agreed upon from time to time with the Bank.
- (2) The amount of monies that may be borrowed at any one time for the purposes of subsection (1), together with the total of any similar borrowings that have not been repaid, shall not, except with the approval of the Ontario Municipal Board, exceed from January 1st to September 30th of the year, 50 percent of the total, and from October 1st to December 31st, 25% of the total of the estimated revenues of the corporation as set forth in the estimates adopted for the year.

(a) that the Extension Agreement does not reduce the amount of the Cancellation Price.

(b) that the Extension Agreement does not prohibit any person from paying the Cancellation Price at any time.

(c) that any person may pay the Cancellation Price at any time.

(d) that the Extension Agreement terminates upon payment of the Cancellation Price by any person.

(e) that the Extension Agreement shall cease to be considered a subsisting Extension Agreement for purposes of section 9(2) of the Act, when and under what conditions set out in the Extension Agreement.

3. As also provided in the Municipal Tax Sales Act,

(a) while such Extension Agreement is in good standing, the period of such time shall not be counted in calculating the time within which the Cancellation Price may be paid.

(b) upon default by owner in complying with the Extension Agreement or any term thereof, the Extension Agreement shall cease and, (unless there remains time within which the Cancellation Price may be paid and is paid), the land shall be offered for sale by the Treasurer.

PASSED this 8th day of December 1998, A.D.,

MUNICIPAL CLERK

MAYOR

SCHEDULE "A"
EXTENSION AGREEMENTS

1) PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE

98 WEST AVE. N.
03 02125 2110
SEPTEMBER 29, 1999

2) PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE

39 RUTHERFORD AVE.
03 02420 0580
SEPTEMBER 15, 1999

The Corporation of the City of Hamilton

BY-LAW NO. 98-

To Amend:

By-law No. 98-217

Respecting:

THE LEVYING OF TAXES FOR THE YEAR 1998

WHEREAS By-law No. 98-217 was enacted on August 12, 1998 to levy the 1998 tax rates;

AND WHEREAS the Province of Ontario has announced that the Municipal Act will be further amended to place certain tax increase caps on the Commercial and Industrial tax categories;

AND WHEREAS the City Council enacted By-law No. 98-265 to authorize the General Manager, Finance to defer the issuance of the final tax instalment for all Commercial and Industrial categories until December 15, 1998;

AND WHEREAS the Fairness for Property Taxpayers Act, 1998 has not been enacted as of November 24, 1998;

AND WHEREAS Council, on November 24, 1998, in adopting Section 4 of the 23rd Report of the Finance and Administration Committee authorized a further deferral of the issuance of the final tax instalment for 1998 for the industrial and commercial categories;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

The General Manager, Finance is authorized to defer the issuance of the final tax instalment for 1998 for the commercial and industrial categories until January 15, 1999 or such earlier date as Council may direct.

PASSED this 8th day of December 1998.

MUNICIPAL CLERK

MAYOR

BY-LAW NO. 98 -

CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 8th DAY OF DECEMBER 1998.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the Municipal Clerk, or in the absence of the Municipal Clerk, the Acting Municipal Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 8th day of December 1998

MUNICIPAL CLERK

MAYOR

BY-LAWS

of the City of New York

ARTICLE I. OF THE PURPOSE AND OBJECTS OF THE CORPORATION OF THE CITY OF NEW YORK

Section 1.

Section 2.

Section 3.

Section 4.

Section 5.

Section 6.

Section 7.

Section 8.

Section 9.

Section 10.

Section 11.

Section 12.

Section 13.

Section 14.

Section 15.



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